

IEP Date: 7/23/01

Report of Progress on Annual Goals

Annual Goal: R. [REDACTED] will improve language comprehension consistently within the school setting.

Progress Report:

1st Quarter: R. [REDACTED] is completing fill-in-the-blank statements with 72% accuracy.

2nd Quarter: R. [REDACTED] is completing analogies with 66% accuracy. R. [REDACTED] names items/objects from verbal description with 70% accuracy.

3rd Quarter: R. [REDACTED] completes analogies with 80% accuracy. She names items/objects from verbal description with 75-80% accuracy.

4th Quarter: R. [REDACTED] has been either absent or sleeping when therapist is at school. She has made minimal progress this quarter; however, she has retained what she's already learned.

Annual Goal: R. [REDACTED] will improve expressive language skills consistently within the school setting.

Progress Report:

1st Quarter: R. [REDACTED] answers how questions with 65% accuracy.

2nd Quarter: R. [REDACTED] makes sentences using target vocabulary with 75% accuracy.

3rd Quarter: R. [REDACTED] is using target vocabulary to make sentences 80-90% of the time.

4th Quarter: R. [REDACTED] has been sleeping or absent most of this quarter. Progress is minimal. R. [REDACTED] has retained what she's already learned.

50a

E 000000417

IEP REVISION / REVIEW

Student's Name: K [REDACTED] L [REDACTED] Date: 1-17-02
 DOB: [REDACTED] School: Strong Vincent Teacher: Ms Scully
 Program: LS Current IEP date: 8-29-2001
 Purpose for meeting: Review of goals and objectives ☐ Change in percentage, ie., RRLS to PTLS ☐
 Change from SV to SRCC Manifestation Determination ☐ Behavior Support Plan or
 Adjustment ☐ Other ☐

MEASURABLE ANNUAL GOAL: Identify appropriate solutions to interpersonal and self-related problem behaviors.

SHORT-TERM INSTRUCTIONAL OBJECTIVES OR BENCHMARKS:

OBJECTIVE / BENCHMARK: Develop consistent patterns of appropriate behavior through a program of therapeutic behavior support.

- **EXPECTED LEVEL OF ACHIEVEMENT** – a performance level system is used to increase expectations and responsibilities.
- **EVALUATION SCHEDULE** – daily and weekly
- **METHOD OF EVALUATION** – daily observations; charting of progress towards goals is communicated to the student as well as to the parents
- **SPECIALLY DESIGNED INSTRUCTION** – Consistent participation in social skills training and in counseling program as well as medication management. An individualized intervention plan will be developed in conjunction with IEP goals and objectives. Transition activities for the return to the home school are planned and carried out with a multidisciplinary team approach.

Signatures: X Parent Denise [REDACTED]
 X Classroom Teacher Melissa Belmont
 X Special Education Teacher Mrs. [REDACTED]
 X Principal Dinda A. Cappabianca
 Other _____
 Other _____

56a

Department of Pupil Learner Services
Child Study Office

Request For Home-School Visitor Service

Student ID # 943020
Name of Child K [REDACTED] L [REDACTED] Birthdate [REDACTED]
Lives with Denise L [REDACTED] Address [REDACTED]
(Name, Relationship)
Phone [REDACTED] Present School, Grade Str. V. 7 15 Regular ☐
Special ☒
Date of Request Principal's Signature

PROBLEM/REASON FOR REFERRAL:

WF
Referral for Sarah Reed
by Marlene/Trish

Date received in Child Study Assigned to: A. P. Sorano

REPORT OF HOME-SCHOOL VISITOR:

1-16-02 Contact with parent. She will come
to Child Study 1/17/02 at 2:30 PM.
1-17-02 Parent came to Child Study
Forms signed
Matt will call with an intake time
1-18- Intake is 1/21/02 - Monday at
3:00 PM. She begins the program
on Wednesday 1/23/02.

I AM requesting that my daughter,
K [REDACTED] L [REDACTED] be transferred to the Erie
School District's Alternative Education program.
I waive all rights to a Hearing.

1/17/02
Denise [REDACTED]

53a

E 000000744

IEP REVISION / REVIEW

18

Student's Name: [REDACTED] Date: 1-17-02
 DOB: [REDACTED] School: Strong Vincent Teacher: Ms. Scully
 Program: LS Current IEP date: 8-29-2001
 Purpose for meeting: Review of goals and objectives ☐ Change in percentage, ie., RRLS to PTLS ☐
 Change from SV to SRCC Manifestation Determination ☐ Behavior Support Plan or
 Adjustment ☐ Other ☐

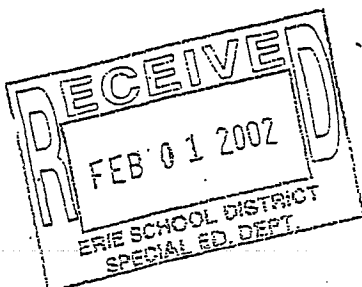
MEASURABLE ANNUAL GOAL: Identify appropriate solutions to interpersonal and self-related problem behaviors.

SHORT-TERM INSTRUCTIONAL OBJECTIVES OR BENCHMARKS:

OBJECTIVE / BENCHMARK: Develop consistent patterns of appropriate behavior through a program of therapeutic behavior support.

- EXPECTED LEVEL OF ACHIEVEMENT - a performance level system is used to increase expectations and responsibilities.
- EVALUATION SCHEDULE -- daily and weekly
- METHOD OF EVALUATION - daily observations; charting of progress towards goals is communicated to the student as well as to the parents
- SPECIALLY DESIGNED INSTRUCTION - Consistent participation in social skills training and in counseling program as well as medication management. An individualized intervention plan will be developed in conjunction with IEP goals and objectives. Transition activities for the return to the home school are planned and carried out with a multidisciplinary team approach.

Signatures: ✕ Parent Denise [REDACTED]
 ✕ Classroom Teacher Christina Valentin
 ✕ Special Education Teacher Mrs. Gray
 ✕ Principal Diana A. Cappabianca
 Other _____
 Other _____



54a

The School District of the City of Erie, Pa.

EDUCATIONAL NOTICE OF RECOMMENDED EVALUATION PLACEMENT

School Age _____

Date: 1-17-02

Name and Address of Parent: Denise L. [REDACTED]

Student's Name: K. [REDACTED]

I.D. #: 943020

S.S. #: _____

Dear _____

This notice summarizes recommendations for your child's education program.

This notice is to be given to the parent of a child with a disability a reasonable time before the school district proposes to initiate or change, or refuses to initiate or change the identification, evaluation or educational placement of the child or the provision of a free appropriate public education to the child.

1. Action proposed or refused:

Smith Reed Therapeutic Program for psychological/psychiatric evaluation & possible intervention.

2. Why the action is proposed or refused:

1. Student's current high degree and intensity of stress as recorded by parents, student and the Erie School District staff.
Intensive frequency of therapeutic intervention exceed that which can be delivered in the regular school setting.

3. A. Description of any other options that were considered:

N/A

B. Reasons why these options were rejected:

N/A

4. Evaluation procedure(s), test(s), record(s) or report(s) used as a basis for the proposed action or action refused:

1. Verbal sharing at discharge summary from Mental Health/Millcreek Comm.
2. Information provided by the student, parent, ASD staff including Mental Health staff.

5. Other factor(s) relevant to proposal or refusal:

N/A

The educational placement recommended for your child is:

Appropriate Grouping: DTLS

Level (%): 68%

Location: _____

Other: Therapeutic Support at Smith Reed's Children's Center 000000819

55a

Student Name: [REDACTED]

Notice of Recommended Educational Placement

Page 2

School District Superintendent

Signature

Date

You have certain rights and protections under law that is described in a document titled **Procedural Safeguards Notice**. If you need more information or want a copy of the **Procedural Safeguards Notice**, you may contact:

C. Moore

Name

Supervisor

Position

874-6050

Phone Number

DIRECTIONS FOR PARENTS: Please check one of the options, sign this form, and return it within **10 days** to the person listed above.

- ☒ I approve this recommendation
☐ I do not approve this recommendation

My reason for **disapproval** is:

I request:

- ☐ A Pre-hearing Conference
☐ Mediation
☐ Due-process Hearing

I will need the following accommodations to be made so that I may attend the above.

D. Moore

Parent's Signature

1/17/02

Date

Daytime Phone

Special Education
TRACT

Referral by MR. Scobie,
MRS. Moore +
MRS. Christman

NAME: K [REDACTED] L [REDACTED]

DOB: [REDACTED]

ADDRESS: [REDACTED]

SCHOOL: St. Vincent gr. 7/5

1/21/02

Intake - 3:00 PM

1/23/02

Student to start Sarah Reed Alternative

Student has completed Sarah Reed Alternative
placement and will be returned to home school

ADDITIONAL COMMENTS:

CER dated 5-15-95

2 yr. Reeval. dated 5-1-00

57a

E 000000821

The School District of the City of Erie, Pa.

EDUCATIONAL NOTICE OF RECOMMENDED EVALUATION PLACEMENT

School Age _____

Date: 1-17-02

Name and Address of Parent: Denise L. [REDACTED]

Student's Name: [REDACTED]

I.D. #: 943020

S.S. #: _____

Dear _____

This notice summarizes recommendations for your child's education program.

This notice is to be given to the parent of a child with a disability a reasonable time before the school district proposes to initiate or change, or refuses to initiate or change the identification, evaluation or educational placement of the child or the provision of a free appropriate public education to the child.

1. Action proposed or refused:

Smith Reed Therapeutic Program for psychological/psychiatric evaluation & possible intervention.

2. Why the action is proposed or refused:

1. Student's current high degree and intensity of stress as recorded by parents, student and the Erie School District Staff.
2. Intensity/frequency of therapeutic intervention exceed that which can be delivered in the regular school setting.

3. A. Description of any other options that were considered:

NONE

B. Reasons why these options were rejected:

N/A

4. Evaluation procedure(s), test(s), record(s) or report(s) used as a basis for the proposed action or action refused:

1. Verbal sharing of discharge summary from Mental Health/Millcreek Center
2. Information provided by the student, parent, ESD staff including Mental Health staff.

5. Other factor(s) relevant to proposal or refusal:

N/A

The educational placement recommended for your child is:

Appropriate Grouping: DTLS

Level (%): 63%

Location: _____

Other: Therapeutic Support at Smith Reed's Children's Center

58a

0000003419

Student Name: K [REDACTED] L [REDACTED]

Notice of Recommended Educational Placement

Page 2

School District Superintendent

Signature

Date

You have certain rights and protections under law that is described in a document titled **Procedural Safeguards Notice**. If you need more information or want a copy of the **Procedural Safeguards Notice**, you may contact:

C. Moore

Name

supervisor

Position

874-6057

Phone Number

DIRECTIONS FOR PARENTS: Please check one of the options, sign this form, and return it within **10 days** to the person listed above.

- ☒ I approve this recommendation
☐ I do not approve this recommendation

My reason for disapproval is:

I request:

- ☐ A Pre-hearing Conference
☐ Mediation
☐ Due-process Hearing

I will need the following accommodations to be made so that I may attend the above.

Denise L [REDACTED]

Parent's Signature

1/17/02

Date

Daytime Phone

MEMO * School District of the City of Erie, PA

TO: Mr. Frank Scozzie – Assistant to the Superintendent
Mrs. Charlise Moore - Supervisor, Special Education
Mrs. Marlene Chrisman – Supervisor, Special Education

FROM: Mrs. Audrey Pecoraro, Home/School Visitor

SUBJECT: PLACEMENT OF K [REDACTED] L [REDACTED] AT SARAH REED CHILDREN'S CENTER

DATE: January 17, 2002

K [REDACTED] L [REDACTED] DOB [REDACTED], referred to Sarah Reed, Behavior Modification Program, Special Education Tract, from Strong Vincent High School, Grade 7 LS, is scheduled for the intake process at Sarah Reed on Monday, January 21, 2002 at 3:00 P.M. She will begin the program on Wednesday, January 23, 2002.

AP:cc

boa

E 000000742

The School District of the City of Erie, Pa.

EDUCATIONAL **NOTICE OF RECOMMENDED EVALUATION PLACEMENT**

School Age _____

Date: 11/5/02

Name and Address of Parent: [REDACTED]

Student's Name: [REDACTED]

I.D. #: _____

S.S. #: _____

Dear _____

This notice summarizes recommendations for your child's education program.

This notice is to be given to the parent of a child with a disability a reasonable time before the school district proposes to initiate a change, or refuses to initiate or change the identification, evaluation or educational placement of the child or the provision of a free appropriate public education to the child.

1. Action proposed or refused:

Temporary in home IEP 5 days ending 22nd Jan

2. Why the action is proposed or refused:

not appropriate placement at this time

3. A. Description of any other options that were considered:

B. Reasons why these options were rejected:

4. Evaluation procedure(s), test(s), record(s) or report(s) used as a basis for the proposed action or action refused:

5. Other factor(s) relevant to proposal or refusal:

**DEPOSITION
EXHIBIT**

The educational placement recommended for your child is:

Appropriate Grouping: [REDACTED]

Level (%): [REDACTED]

Location: [REDACTED]

Other: _____

Moore #2

Student Name: K L [REDACTED]*Notice of Recommended Educational Placement*

Pag

Temporary in home IEP 5 day

[REDACTED]

[REDACTED]

School District Superintendent

Signature

Date

You have certain rights and protections under law that is described in a document titled **Procedural Safeguards Notice**. If you need more information or want a copy of the **Procedural Safeguards Notice**, you may contact:

Mr. Mark Superior 774-1000

Name Position Phone Number

DIRECTIONS FOR PARENTS: Please check one of the options, sign this form, and return it within **10 days** to the person listed above.

- ☒ I approve this recommendation
- ☐ I do not approve this recommendation

My reason for ~~disapproval~~ is:

I request:

- ☐ A Pre-hearing Conference
- ☐ Mediation
- ☐ Due-process Hearing

I will need the following accommodations to be made so that I may attend the above.

Parent's Signature

Date

Daytime Phone

- See Marlene -

Memo

The School District of the City of Erie, Pa.

CHARLISE MOORE, Supervisor

Special Education Department

Jan-14 + Jan 22:

In. Home IEP - 5 Days

963479
11-14-88

- R [REDACTED] P [REDACTED] Speech

[REDACTED]

959800

- O [REDACTED] J [REDACTED] L [REDACTED]

Phone [REDACTED]

Address - [REDACTED]

[REDACTED] First [REDACTED]

See Marlene for
SR Partial Placement
Monday 1/14/02

6502

630

14/1

Student's Name: [REDACTED] Date: 1-18-02
 DOB: [REDACTED] School: Strong Vincent Teacher: Ms. Gray
 Program: Learning Support Current IEP date: 7-23-01
 Purpose for meeting: Review of goals and objectives ☐ Change in percentage, ie., RRLS to PTLs ☐
 Change from SV to SRCC Manifestation Determination ☐ Behavior Support Plan or
 Adjustment ☐ Other ☐

MEASURABLE ANNUAL GOAL: Identify appropriate solutions to interpersonal and self-related problem behaviors.

SHORT-TERM INSTRUCTIONAL OBJECTIVES OR BENCHMARKS:

OBJECTIVE / BENCHMARK: Develop consistent patterns of appropriate behavior through a program of therapeutic behavior support.

- EXPECTED LEVEL OF ACHIEVEMENT - a performance level system is used to increase expectations and responsibilities.
- EVALUATION SCHEDULE - daily and weekly
- METHOD OF EVALUATION - daily observations; charting of progress towards goals is communicated to the student as well as to the parents
- SPECIALLY DESIGNED INSTRUCTION - Consistent participation in social skills training and in counseling program as well as medication management. An individualized intervention plan will be developed in conjunction with IEP goals and objectives. Transition activities for the return to the home school are planned and carried out with a multidisciplinary team approach.

Signatures:

Parent [REDACTED]

Classroom Teacher [REDACTED]

Special Education Teacher Mrs. Gray

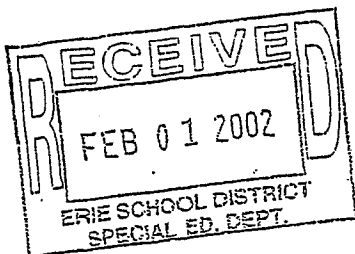
Principal Diana A. Cappabianca

Other _____

Other _____

DEPOSITION
EXHIBIT

MOORE #1



Copies: White - Pupils School File Yellow - Parent or Guardian Pink - Teacher Gold - other

69a

E 000000419

The School District of the City of Erie, Pa.

NOTICE OF RECOMMENDED EDUCATIONAL EVALUATION PLACEMENT
School Age

Name and Address of Parent: Mrs. Mrs. Richard P. [REDACTED] Date: _____
 Student's Name: [REDACTED] I.D. #: 963479
 S.S. #: _____

Dear _____

This notice summarizes recommendations for your child's education program.

This notice is to be given to the parent of a child with a disability a reasonable time before the school district proposes to initiate or change, or refuses to initiate or change the identification, evaluation or educational placement of the child or the provision of a free appropriate public education to the child.

1. Action proposed or refused:

Sarah Reed Therapeutic Program for psychological/psychiatric evaluation and possible interventions.

2. Why the action is proposed or refused:

Student's current high degree of intensity of stress as recorded by the parents, student & Erie School District Staff. Intensity & frequency of therapeutic interventions exceed that which can be delivered in the regular school setting.

3. A. Description of any other options that were considered:

None

B. Reasons why these options were rejected:

NA

4. Evaluation procedure(s), test(s), record(s) or report(s) used as a basis for the proposed action or action refused:

Information provided by the student, parents, ESD staff including Mental Health Staff

5. Other factor(s) relevant to proposal or refusal:

NA

The educational placement recommended for your child is:

Appropriate Grouping: PTLS

Level (%): 65%

Location: _____

Other: Therapeutic Support at Sarah Reed's Children's Center

Student Name: R. [REDACTED] P. [REDACTED]

Notice of Recommended Educational Placement

Page 2

School District Superintendent

Signature

Date

You have certain rights and protections under law that is described in a document titled **Procedural Safeguards Notice**. If you need more information or want a copy of the **Procedural Safeguards Notice**, you may contact:

C. Moore

Name

Supervisor

Position

874-6050

Phone Number

DIRECTIONS FOR PARENTS: Please check one of the options, sign this form, and return it within **10 days** to the person listed above.

- ☒ I approve this recommendation
☐ I do not approve this recommendation

My reason for **disapproval** is:

I request:

- ☐ A Pre-hearing Conference
☐ Mediation
☐ Due-process Hearing

I will need the following accommodations to be made so that I may attend the above.

[Signature]
 Parent's Signature
1-18-02

Date

Daytime Phone

MEMO

TO: MR. JAMES PIEKANSKI, SUPERVISOR OF SPECIAL EDUCATION
FROM: MRS. AUDREY PECORARO, CHILD STUDY DEPARTMENT
SUBJECT: REQUEST FOR SPEECH SERVICES
DATE: JANUARY 17, 2002

The following student has been assigned to attend the Sarah Reed Program at 1020 East 10th Street:

R. [REDACTED] P. [REDACTED]
D.O.B. [REDACTED]
ID# 963479
Parent: Richard P. [REDACTED]
Address: [REDACTED]
Phone: [REDACTED] cell [REDACTED]
School: Strong Vincent
Grade: 7, LS

According to the Student Assignment Information, student is to receive Speech and Language Services 2%.

A request is made for student to receive the services at Sarah Reed. She will begin the program on 1/22/02.

Thank you for your consideration.

67a

I am requesting that my daughter
[REDACTED] be transferred to Eric
School District's Alternative Education
Program. I waive all rights to a hearing.

Shelley [REDACTED]

1-18-02

680

E 000000442

Department of Pupil Learner Services
Child Study Office

Request For Home-School Visitor Service

Student ID # 963479
 Name of Child R [REDACTED] P [REDACTED] Birthdate [REDACTED]
 Lives with Richard Address [REDACTED]
(Name, Relationship)
 Phone [REDACTED] Present School, Grade Strong/Incent 7 Regular ☐ Special ☒
 Date of Request [REDACTED] Principal's Signature Referral
 EPD cell 572-6299

PROBLEM/REASON FOR REFERRAL:

meet HSV
Fri - 11:00

Intake
1/21/02 - 11:00
mon

Referral to Sarah Reed
by Marlene / Frank

Date received in Child Study [REDACTED] Assigned to: [REDACTED]

REPORT OF HOME-SCHOOL VISITOR:

1/17/02 - Contact with parent. Intake will
be on 1/21/02 - 11:00 am.
HSV will go to home 1/18/02 at 11:00.

1-18-02 - HSV went to home. Mother had difficulty
remembering our appt. Apparently she is
heavily medicated & has memory problems.
Forms signed. Intake is scheduled for 1/21/02
at 11:00. Student will begin the program on
1/22/02

MEMO * **School District of the City of Erie, PA**

TO: Mr. Frank Scozzie – Assistant to the Superintendent
Mrs. Charlise Moore - Supervisor, Special Education
Mrs. Marlene Chrisman – Supervisor, Special Education

FROM: Mrs. Audrey-Pecoraro, Home/School Visitor

SUBJECT: PLACEMENT OF R [REDACTED] P [REDACTED] AT SARAH REED CHILDREN'S CENTER

DATE: January 17, 2002

R [REDACTED] P [REDACTED] DOB [REDACTED] referred to Sarah Reed, Behavior Modification Program, Special Education Tract, from Strong Vincent High School, Grade 7 LS, is scheduled for the intake process at Sarah Reed on Monday, January 21, 2002 at 11:00 A.M. She will begin the program on Tuesday, January 22, 2002.

AP:cc

70a

E 000000445

Special Education

TR Act

Referral by
MR. Scozzie,
MRS. Christian
MRS. M.

NAME:

R [REDACTED] P [REDACTED]

DOB:

11-16-88

ADDRESS:

[REDACTED]

SCHOOL:

Strong Vincent gr. 7LS - 1/02
Returns gr. 8LS 4/02 - 8/02

1/21/02

Intake - 11:00 AM

1/22/02

Student to start Sarah Reed Alternative

6/7/02

Student has completed Sarah Reed Alternative
placement and will be returned to home school

Returns to Strong Vincent gr. 8LS

ADDITIONAL COMMENTS:

- Speech services have been requested.
- CER dated 12-18-95.
- Two year Review - dated 3/2/98

71a

**Special Education
Department**

Memo

To: Jo Barker, Director/Elementary-Middle School Programs
From: Marlene Chrisman, Special Education Supervisor
CC: F. Scozzie/Charlise Moore/Jim Piekanski
Date: 01/15/02
Re: B-Mod Referrals

The purpose of this memo is to provide information on two students who are being referred to Sarah Reed per Frank Scozzie. Both girls were involved in a recent situation at SV of the nature and intensity that staff, including Mr. Scozzie, feels this level of intervention is essential. Both girls are under age 14 and, therefore, not eligible for the Adolescent Partial program.

The girls are:

1. Blind due to placement in R [REDACTED] folder
2. R [REDACTED] (DOB: [REDACTED]) grade 7LS
[REDACTED]

It is my understanding that Mr. Scozzie would like the girls to begin this placement as soon as possible. Please contact Charlise Moore or myself to assist in this process.

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF PENNSYLVANIA

3 RICHARD P., by and for :
4 R. P., and DENISE L., :
5 by and for K. L., :
6 Plaintiffs :

7 v. :

Civil Action No. 03-390
Erie

8 SCHOOL DISTRICT OF THE CITY :
9 OF ERIE, PENNSYLVANIA; JANET :
10 WOODS, Individually and in :
11 her Capacity as Principal of :
12 Strong Vincent High School; :
13 and LINDA L. CAPPABIANCA, :
14 Individually and in her :
15 Capacity as Assistant :
16 Principal of Strong Vincent :
17 High School, :
18 Defendants :

19 Deposition of MATTHEW BOGARDUS, taken before
20 and by Janis L. Ferguson, Notary Public in and
21 for the Commonwealth of Pennsylvania, on Thursday,
22 May 5, 2005, commencing at 10:23 a.m., at the
23 offices of Knox McLaughlin Gornall & Sennett, PC,
24 120 West 10th Street, Erie, Pennsylvania 16501.

25 Reported by Janis L. Ferguson, RPR
Ferguson & Holdnack Reporting, Inc.

Page 10

1 entity, or does it not -- is it a governmental entity?

2 A. Private.

3 Q. Private. Does Sarah Reed take students from

4 outside of Erie County?

5 A. Yes.

6 Q. Generally the Northwestern Pennsylvania area?

7 A. Yes.

8 Q. And a student comes to your attention, I think you

9 indicated, from -- as a result of a referral from the school

10 district?

11 A. Yes.

12 Q. Generally, can you describe for me what kinds of

13 students are referred to Sarah Reed.

14 A. They would be experiencing social problems,

15 emotional problems, behavioral problems; somewhere in that

16 spectrum.

17 Q. The problems that they are referred to you for,

18 are they problems associated with their education?

19 A. I'm not sure I understand the question.

20 Q. Well, I guess a child could have a social problem

21 at home, you know, and maybe not exhibit that social problem

22 in the school setting. And do you take children who are

23 having social or emotional problems at home?

24 A. Yes.

25 Q. So they don't have to exhibit any kind of social

Page 11

1 or emotional problems at a school for Sarah Reed to take the

2 children.

3 A. No.

4 Q. So are there certain areas of, for instance,

5 social or emotional problems that you encounter more often

6 than others? In other words, what kind of problems, what

7 degree of severity and what kind of problems do the children

8 present when they come to you?

9 A. They could exhibit features of depression,

10 anxiety, some can be aggressive, some can be quite

11 noncompliant, some may have a psychosis.

12 Q. Do all the children who come to you have IEP's?

13 A. No.

14 Q. Who makes the decision whether to admit a child to

15 Sarah Reed?

16 A. We have a committee.

17 Q. So in terms of the process of having a child

18 admitted to Sarah Reed, what is your job?

19 A. If someone is going to make a referral, they would

20 contact me, and I would gather information from them and

21 take that then to the committee for the decision to be made

22 to accept. And if we accept them, I meet with the client

23 and family to gather background information on the client.

24 And then there are consent and release forms that need to be

25 completed as well.

Page 12

1 Q. So are you ever contacted initially by family

2 members?

3 A. Yes.

4 Q. So it's not always school districts that refer

5 students.

6 A. No.

7 Q. When school districts refer students, is it

8 typically the case that the students are having a social,

9 emotional, or behavioral problem relative to the school?

10 A. Yes.

11 Q. So do you get many referrals from school districts

12 of children who are having social problems at home?

13 A. Yes.

14 Q. Okay. Without having problems at school.

15 A. That would be rare.

16 Q. Sarah Reed has different kinds of programs; is

17 that right?

18 A. Yes.

19 Q. Tell me what types of programs it has.

20 A. We have the alternative education program; we have

21 outpatient services, which would be individual or family

22 therapy or psychiatric care; we have partial hospitalization

23 services.

24 Q. Any others?

25 A. And within the alternative education program,

Page 13

1 those outpatient or partial hospitalization services are

2 provided.

3 Q. So you have an alternative ed. program. An

4 outpatient therapy program?

5 A. (Witness nods head.)

6 Q. That's separate from the alternative ed.

7 A. It can be, or it can be provided within the

8 program.

9 Q. And then you have a partial hospitalization

10 program.

11 A. Yes.

12 Q. It can be or cannot be separate from the --

13 A. Yes.

14 Q. -- alternative ed. program.

15 A. (Witness nods head.)

16 Q. Can you tell me what you mean when you say

17 "alternative ed. program". What is that?

18 A. Alternative education would identify a placement

19 for a student outside of their home school or their home

20 district. But then what is provided within the alternative

21 ed. program would depend upon the program or the agency

22 providing that placement.

23 So at Sarah Reed, we are providing clinical

24 services within the alternative education program.

25 Q. And do you know what kind of clinical services are

<p style="text-align: right;">Page 14</p> <p>1 provided?</p> <p>2 A. Psychiatric services, therapy services, and case</p> <p>3 management services.</p> <p>4 Q. Why would a child come to Sarah Reed instead of</p> <p>5 staying in their home school?</p> <p>6 A. It could be a variety of reasons.</p> <p>7 Q. Why don't you give me a couple.</p> <p>8 A. If they are experiencing emotional problems,</p> <p>9 where, perhaps, they feel overwhelmed in the classroom,</p> <p>10 can't really participate academically, they may look for an</p> <p>11 alternate placement. Behaviorally, if they are difficult to</p> <p>12 manage, they may look for an alternate placement. They may</p> <p>13 look for assessment, if they are unsure of a difficulty,</p> <p>14 such as a psychiatric assessment.</p> <p>15 Q. Are students admitted into the program to receive</p> <p>16 a psychiatric assessment?</p> <p>17 A. In some cases, yes.</p> <p>18 Q. What kind of cases are those?</p> <p>19 A. If -- if they are uncertain if there is a</p> <p>20 psychiatric disorder, but they may be displaying features</p> <p>21 that have alerted someone, they would then look for the</p> <p>22 psychiatric evaluation.</p> <p>23 Q. But would that be -- that would be a case where</p> <p>24 they were exhibiting some kind of behavior in the classroom</p> <p>25 that prompted somebody to have a concern that there needed</p>	<p style="text-align: right;">Page 16</p> <p>1 than that.</p> <p>2 Q. I mean, is it fair to say that there -- there's no</p> <p>3 level of severity of problems that a child has to exhibit</p> <p>4 before they are considered to be a candidate for Sarah Reed?</p> <p>5 A. Correct.</p> <p>6 Q. So any child who had a social problem -- for</p> <p>7 instance, can't get along with the kid sitting next to them,</p> <p>8 could be a candidate for Sarah Reed?</p> <p>9 A. We could consider them.</p> <p>10 Q. If you think that the child's only problem was</p> <p>11 they couldn't get along with the kid sitting next to them,</p> <p>12 they could be admitted to Sarah Reed?</p> <p>13 A. Possibly to outpatient therapy. So what we would</p> <p>14 provide, the level of care, might be determined by the</p> <p>15 referral concern.</p> <p>16 Q. And what kind of behavioral problems do children</p> <p>17 have to exhibit before they are admitted to Sarah Reed?</p> <p>18 A. Again, there's a variety.</p> <p>19 Q. Can you illustrate some for me?</p> <p>20 A. As I had mentioned, the aggressive behavior,</p> <p>21 defiant behavior, not staying within the classroom.</p> <p>22 Q. In terms of children with IEP's, Sarah Reed is</p> <p>23 considered an out-of-school placement; is that right?</p> <p>24 A. Yes.</p> <p>25 Q. So in the scheme of things for the</p>
<p style="text-align: right;">Page 15</p> <p>1 to be a psychiatric evaluation?</p> <p>2 A. Yes.</p> <p>3 Q. Is it fair to say that the students admitted to</p> <p>4 Sarah Reed, who are referred to Sarah Reed from other school</p> <p>5 districts, are having some problems in the classroom,</p> <p>6 typically?</p> <p>7 A. Typically.</p> <p>8 Q. And that problem could either be an emotional</p> <p>9 problem or a behavioral problem?</p> <p>10 A. Or social problem.</p> <p>11 Q. Social. When you use the term "social", tell me</p> <p>12 what you mean.</p> <p>13 A. If a child has anxiety, they may not be able to</p> <p>14 interact with their peers, with teachers, and they may feel</p> <p>15 overwhelmed and shut down.</p> <p>16 Q. Is there a certain level of severity of the social</p> <p>17 problem that a child has to exhibit before they are a</p> <p>18 candidate for Sarah Reed?</p> <p>19 A. No.</p> <p>20 Q. So, for instance, if a child isn't getting along</p> <p>21 with a student next -- sitting next to them in class, that</p> <p>22 child could be admitted into Sarah Reed?</p> <p>23 A. They could be referred.</p> <p>24 Q. Would Sarah Reed accept that child?</p> <p>25 A. It would -- we would need more information than --</p>	<p style="text-align: right;">Page 17</p> <p>1 least-restrictive educational placement, where does Sarah</p> <p>2 Reed fit?</p> <p>3 A. We would be one of the most restrictive.</p> <p>4 Q. And I think that you said that -- do you</p> <p>5 typically -- students with IEP's who were referred to Sarah</p> <p>6 Reed, do you typically see a behavioral plan in the IEP?</p> <p>7 A. I don't review the IEP.</p> <p>8 Q. Okay. So tell me what you review.</p> <p>9 A. Oftentimes there is not information, paperwork</p> <p>10 sent to me. It's sent to us after a student is admitted.</p> <p>11 So it would be reviewed by the staff working with the child</p> <p>12 at that time. And I am no longer a part of the picture at</p> <p>13 that point.</p> <p>14 Q. Do you remember K. L. and R. P.?</p> <p>15 A. Yes.</p> <p>16 Q. Tell me how the referral of those two students</p> <p>17 came to you.</p> <p>18 A. There has been more than one referral. Which --</p> <p>19 Q. The first one.</p> <p>20 A. Um --</p> <p>21 Q. I think that was January of 2002, I believe.</p> <p>22 Right?</p> <p>23 A. The school had contacted me at -- there had been</p> <p>24 allegations made of sexual assault in school and also</p> <p>25 harassment by other students.</p>

<p style="text-align: right;">Page 18</p> <p>1 Q. Who contacted you from the school?</p> <p>2 A. I don't recall.</p> <p>3 Q. Would it have been someone from the school or</p> <p>4 someone from the administration?</p> <p>5 A. I don't recall.</p> <p>6 Q. And you say there were allegations of sexual</p> <p>7 assault and harassment from other students. Is that the</p> <p>8 first time that you encountered a referral to Sarah Reed</p> <p>9 based upon harassment from other students?</p> <p>10 A. I guess I'm not quite understanding that question.</p> <p>11 Q. Well, someone from the School District called you</p> <p>12 and said that there were two students with allegations of</p> <p>13 assault and sexual harassment from other students. Right?</p> <p>14 A. Okay.</p> <p>15 Q. And my question to you is, was that the first time</p> <p>16 a school district called you for possible referral to Sarah</p> <p>17 Reed because a student was being harassed by other students?</p> <p>18 A. I don't -- I really don't know.</p> <p>19 Q. Can you think of any other instances when that was</p> <p>20 a basis of referral?</p> <p>21 A. I cannot.</p> <p>22 Q. And you don't recall who called you from the Erie</p> <p>23 School District.</p> <p>24 A. I do not.</p> <p>25 Q. And what was the outcome of that conversation with</p>	<p style="text-align: right;">Page 20</p> <p>1 Q. And then you got back to the Erie School District</p> <p>2 with that information that the admissions team had decided</p> <p>3 to accept the students?</p> <p>4 A. Yes.</p> <p>5 Q. Can you think of instances where the admissions</p> <p>6 team has declined to accept students from a school district</p> <p>7 referral?</p> <p>8 A. Yes.</p> <p>9 Q. Without revealing any names, maybe just give me a</p> <p>10 general idea of the circumstances that that happened.</p> <p>11 A. A lack of consent.</p> <p>12 Q. On the part of the parent?</p> <p>13 A. Yes.</p> <p>14 Q. Any other instances?</p> <p>15 A. If there was already treatment involved.</p> <p>16 Q. Anything else?</p> <p>17 A. No.</p> <p>18 Q. And when you say if there was already treatment</p> <p>19 involved, what do you mean?</p> <p>20 A. If there was already mental health treatment</p> <p>21 involved, it might be assessed that we would be duplicating</p> <p>22 a service; that we wouldn't need to provide a service at</p> <p>23 that point.</p> <p>24 Q. What percentage of the day, if you know, is a</p> <p>25 child given mental health therapy and counseling, once</p>
<p style="text-align: right;">Page 19</p> <p>1 the person from the Erie School District?</p> <p>2 A. The referral was made.</p> <p>3 Q. And do you know if the referral took a written</p> <p>4 form?</p> <p>5 A. I don't believe so.</p> <p>6 Q. So what did you do after you had that conversation</p> <p>7 with a person from the Erie School District?</p> <p>8 A. Then discussed the referral with our admissions</p> <p>9 team.</p> <p>10 Q. And who was on the team?</p> <p>11 A. Back then, I don't recall.</p> <p>12 Q. And is that the entire amount of information that</p> <p>13 you had; that there were two students who had been victims</p> <p>14 of sexual assault and harassment from other students?</p> <p>15 A. Yes.</p> <p>16 Q. That was all you knew.</p> <p>17 A. Yes.</p> <p>18 Q. So what information did you take to the admissions</p> <p>19 team?</p> <p>20 A. That information.</p> <p>21 Q. And what did the admissions team decide to do?</p> <p>22 A. To accept them.</p> <p>23 Q. What criteria did the admissions team use to</p> <p>24 accept these students?</p> <p>25 A. The fact that there was a trauma.</p>	<p style="text-align: right;">Page 21</p> <p>1 admitted to Sarah Reed?</p> <p>2 A. I don't know the percentage.</p> <p>3 Q. So after you got back to the Erie School District</p> <p>4 and said the admissions team has agreed to accept these</p> <p>5 students -- and by the way, do you remember who you called</p> <p>6 to let the Erie School District know this was going to</p> <p>7 happen?</p> <p>8 A. I don't recall.</p> <p>9 Q. What was the next step?</p> <p>10 A. For Sarah Reed?</p> <p>11 Q. Yes.</p> <p>12 A. At that point the School District will set up a</p> <p>13 meeting with the parents to complete their paperwork. And</p> <p>14 also to offer them an intake time with me.</p> <p>15 Q. Now, you don't participate in the completion of</p> <p>16 the paperwork; is that right?</p> <p>17 A. Not the Erie City School District paperwork.</p> <p>18 Q. And did you ever see the Erie City School District</p> <p>19 paperwork on this case?</p> <p>20 A. Yes.</p> <p>21 Q. When was that?</p> <p>22 A. After the intake was set up with me, that packet</p> <p>23 is given to me.</p> <p>24 Q. And what was in the packet, if you recall?</p> <p>25 A. They will include a release of information and a</p>

<p style="text-align: right;">Page 22</p> <p>1 waiver.</p> <p>2 Q. A waiver of what?</p> <p>3 A. Parent must sign a waiver agreeing to the</p> <p>4 placement at Sarah Reed and waiving their rights to a</p> <p>5 hearing.</p> <p>6 Q. Okay.</p> <p>7 A. And if they are in special education, often the</p> <p>8 packet will include an evaluation report.</p> <p>9 Q. Anything else?</p> <p>10 A. Anything additional would depend on the individual</p> <p>11 student.</p> <p>12 Q. Do you recall specifically what you received</p> <p>13 relative to R. P. -- R. P. or K. L.?</p> <p>14 A. I don't.</p> <p>15 Q. So at the intake meeting, who did you meet with?</p> <p>16 A. Parent and client.</p> <p>17 Q. Anyone from the School District?</p> <p>18 A. No.</p> <p>19 Q. Did you meet -- R. P. did you meet with her</p> <p>20 father or her mother?</p> <p>21 A. Father.</p> <p>22 Q. Do you ask typically, when you meet with a client,</p> <p>23 do you ask, well, why are you coming here or what is your</p> <p>24 interest in coming to this school?</p> <p>25 A. I ask if they have any questions pertaining to the</p>	<p style="text-align: right;">Page 24</p> <p>1 A. Also in the child's chart.</p> <p>2 Q. And then Sarah Reed doesn't keep the chart when</p> <p>3 the child leaves the school?</p> <p>4 A. Yes.</p> <p>5 Q. Oh, you do keep the chart.</p> <p>6 A. Yes.</p> <p>7 Q. And then after that admissions process, do you</p> <p>8 have any further involvement with that case?</p> <p>9 A. No.</p> <p>10 Q. Do you know what happens after that admission</p> <p>11 process with respect to creating a program for the child?</p> <p>12 A. I'm not a part of that.</p> <p>13 Q. And how many intakes do you do a year, do you</p> <p>14 think?</p> <p>15 A. Between 2- and 400.</p> <p>16 Q. Do you know what program R. P. was put in?</p> <p>17 A. The alternative education program.</p> <p>18 Q. And that's a -- so she wasn't put in the partial</p> <p>19 hospitalization program.</p> <p>20 A. That was provided in combination with the</p> <p>21 alternative education program.</p> <p>22 Q. And do you know what a -- in terms of the</p> <p>23 services, do you have any idea what services were provided</p> <p>24 in connection with the partial hospitalization program?</p> <p>25 A. Partial provides the psychiatric assessment piece,</p>
<p style="text-align: right;">Page 23</p> <p>1 placement.</p> <p>2 Q. Okay. So when you meet with the -- tell me</p> <p>3 what -- what you go through when you meet with the parent</p> <p>4 and student.</p> <p>5 A. I ask for background information; the child's</p> <p>6 mental health history, medical history, school history,</p> <p>7 family --</p> <p>8 Q. Do you write that information down anywhere?</p> <p>9 A. Yes.</p> <p>10 Q. Then after you write that information down, what</p> <p>11 do you do with that form?</p> <p>12 A. That's kept in the child's chart.</p> <p>13 Q. And do you remember any specific history that you</p> <p>14 received from Mr. P. about R. P.?</p> <p>15 A. No.</p> <p>16 Q. What did they tell you about the incident that led</p> <p>17 her to being considered for Sarah Reed?</p> <p>18 A. I don't recall.</p> <p>19 Q. And do you recall whether they had any questions</p> <p>20 to you?</p> <p>21 A. I don't recall.</p> <p>22 Q. And then so what happens next?</p> <p>23 A. There are also consent and release forms that have</p> <p>24 to be signed.</p> <p>25 Q. And where are those forms put?</p>	<p style="text-align: right;">Page 25</p> <p>1 the therapy piece, and the case management piece.</p> <p>2 Q. Now, do you remember the intake with Kristina</p> <p>3 Long?</p> <p>4 A. No. Not specifically.</p> <p>5 Q. Do you have any idea -- do you know who paid for</p> <p>6 the educational program that Sarah Reed provided to these</p> <p>7 girls?</p> <p>8 A. The educational piece is paid for by the School</p> <p>9 District.</p> <p>10 Q. What about the therapeutic piece; the psychiatric</p> <p>11 assessment, therapy, case management piece?</p> <p>12 A. That would be insurance.</p> <p>13 Q. Whose insurance?</p> <p>14 A. The family's.</p> <p>15 Q. Do you have any idea what kinds of classes R. P.</p> <p>16 and K. L. were put into?</p> <p>17 A. No.</p> <p>18 Q. Do you have any idea concerning the percentage of</p> <p>19 males and females, as they composed the student body?</p> <p>20 A. No.</p> <p>21 Q. When the Erie School District contacted you, they</p> <p>22 mentioned both girls at the same time?</p> <p>23 A. I don't recall.</p> <p>24 Q. I have some documents that were previously marked</p> <p>25 at a deposition, and I'm going to --</p>

<p style="text-align: right;">Page 26</p> <p>1 MR. OLDS: These were Moore and Manus, Jim. Do</p> <p>2 you have those?</p> <p>3 MR. MARNEN: Yes.</p> <p>4 Q. I'm going to show you some documents, and as we go</p> <p>5 through there, I just have a couple questions about the</p> <p>6 document.</p> <p>7 Moore Deposition Exhibit 1 is an IEP Revision</p> <p>8 Review. Do you ever seen that document, to your knowledge?</p> <p>9 A. It may have been included in the packet that was</p> <p>10 given to me.</p> <p>11 Q. There is a handwritten sheet of paper with a Bates</p> <p>12 stamp at the bottom, 442.</p> <p>13 A. Yes.</p> <p>14 Q. You were referring to a consent or waiver form.</p> <p>15 Is that the document, the waiver form that Sarah Reed</p> <p>16 requests?</p> <p>17 A. We don't request it. The waiver is -- the School</p> <p>18 District has this done, not Sarah Reed.</p> <p>19 Q. But you won't accept the student unless the parent</p> <p>20 signs it, right?</p> <p>21 A. The parent has to consent to placement with us</p> <p>22 before we would accept them, before we would place them.</p> <p>23 Q. Right. And my question is, is this the form of</p> <p>24 consent that the parent signs?</p> <p>25 A. For the School District, not for Sarah Reed.</p>	<p style="text-align: right;">Page 28</p> <p>1 terms -- that is designed for behavior modification?</p> <p>2 A. That's a treatment modality. It's a type of</p> <p>3 treatment that Sarah Reed does provide.</p> <p>4 Q. So Sarah Reed does have a behavior modification</p> <p>5 program?</p> <p>6 A. It's a part of treatment.</p> <p>7 Q. Part of treatment. So it's not a program --</p> <p>8 A. No.</p> <p>9 Q. -- it's a treatment.</p> <p>10 A. Type of treatment.</p> <p>11 Q. What other kinds of treatment does Sarah Reed</p> <p>12 have?</p> <p>13 A. Individual therapy would be a type of treatment.</p> <p>14 Group therapy, family therapy, psychiatric evaluation.</p> <p>15 Those are all types of treatment.</p> <p>16 Q. Were you accepting R. P. for behavior</p> <p>17 modification treatment? Was that why she was admitted?</p> <p>18 A. No.</p> <p>19 Q. And she was admitted why?</p> <p>20 A. For the trauma that had occurred in school.</p> <p>21 Q. Well, that's why -- okay. And I know you can't</p> <p>22 speak for Miss Pecoraro. Do you have any idea why she</p> <p>23 thought Rachel was referred for the behavior modification</p> <p>24 treatment?</p> <p>25 A. No.</p>
<p style="text-align: right;">Page 27</p> <p>1 Q. Not for Sarah Reed. There is a different form</p> <p>2 that Sarah Reed has them sign?</p> <p>3 A. Yes.</p> <p>4 Q. That's a waiver. Now, let me -- I'd like to</p> <p>5 direct your attention to the Document 445. This is a -- you</p> <p>6 have probably never seen this document, but I just have a</p> <p>7 question about it. This was a memo from Audrey Pecoraro,</p> <p>8 homeschool visitor. Do you know her?</p> <p>9 A. Yes.</p> <p>10 Q. Do you remember if you had any conversations with</p> <p>11 her relative to these two students?</p> <p>12 A. I'm sure that I did.</p> <p>13 Q. And what might those conversations have been</p> <p>14 about?</p> <p>15 A. To give her the intake dates. She usually is the</p> <p>16 one that meets with the family and gets the School District</p> <p>17 paperwork signed and offers them an intake date with me.</p> <p>18 Q. Okay. She wrote a memo to Frank Scozzie that</p> <p>19 said -- this regards R. P. "R. P. Date of</p> <p>20 birth: Referred to Sarah Reed: Behavior</p> <p>21 modification program, special education tract."</p> <p>22 The term "behavior modification program", does</p> <p>23 that have any meaning to you, as a Sarah Reed employee?</p> <p>24 A. No.</p> <p>25 Q. Do you know whether Sarah Reed offers a program in</p>	<p style="text-align: right;">Page 29</p> <p>1 Q. I want to direct your attention to a document that</p> <p>2 was marked as Moore Deposition Exhibit 7. So if you would</p> <p>3 go through there till you find that.</p> <p>4 A. (Witness complies.)</p> <p>5 Q. This is a memo to Jo Barker from Marlene Chrisman.</p> <p>6 Are you looking at the same document here? Yeah, that's it.</p> <p>7 Dated 1/15/02. It says, "Regarding b. mod. referrals." It</p> <p>8 says, "The purpose of this memo is to provide information on</p> <p>9 the two students who are being referred to Sarah Reed per</p> <p>10 Frank Scozzie. Both girls were involved in a recent</p> <p>11 situation at S.V. of that the nature and intensity of staff,</p> <p>12 including Mr. Scozzie, feels this level of intervention is</p> <p>13 essential. Both girls are under the age of 15 and,</p> <p>14 therefore, not eligible for the adolescent partial program,"</p> <p>15 end quote.</p> <p>16 Do you know what Miss Chrisman was talking about</p> <p>17 when she said the girls weren't eligible for the adolescent</p> <p>18 partial program?</p> <p>19 A. The adolescent program requires that a client is</p> <p>20 14 years or older.</p> <p>21 Q. You have an adolescent program, I take it. What</p> <p>22 other programs are there?</p> <p>23 A. The elementary program, which would be under the</p> <p>24 age of 14.</p> <p>25 Q. And that's a -- is that a partial hospitalization</p>

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1 program also?

2 A. It can provide partial hospitalization.

3 Q. And is it accurate that these girls were not

4 admitted into the adolescent partial program?

5 A. If they were not 14.

6 Q. Then do you know who at Sarah Reed would -- the

7 first document in this -- in Moore Exhibit 1 is an IEP

8 Review Revision. Do you know who at Sarah Reed would

9 interpret that and make sure that it was implemented?

10 A. I do not.

11 Q. Then what kind of -- after you complete the intake

12 process, just tell me the types of paperwork that you

13 complete and where the paperwork goes.

14 A. All of the consent and release forms and the

15 intake that -- I complete. And then it is submitted to our

16 front office, where the chart is developed for the client.

17 Q. Then the front office would take care of billing

18 or invoicing the insurance companies --

19 A. Yes.

20 Q. -- or invoicing the school district.

21 A. Yes.

22 MR. OLDS: Let's just take a break. I'm going to

23 take a break and look at my notes here, and maybe

24 we'll be done.

25 (Recess held from 11:07 a.m. till 11:20 a.m.)

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1 Q. So I do have a couple more questions. Does Sarah

2 Reed have an outpatient program?

3 A. Yes.

4 Q. And what is the outpatient program?

5 A. That would be the individual -- can be the

6 individual therapy, family therapy, can be psychiatric

7 medication management.

8 Q. And a child who is taking advantage of that

9 wouldn't have to be in the educational component of Sarah

10 Reed; is that right?

11 A. Correct. Correct.

12 Q. So I guess a question arises in my mind, you

13 indicated that the committee accepted R [REDACTED] and K [REDACTED]

14 because they had trauma, right?

15 A. (Witness nods head.)

16 Q. You have to say yes or no.

17 A. Yes. I'm sorry.

18 Q. And why weren't they just accepted into the

19 outpatient program?

20 A. They were referred specifically to the alternative

21 education program.

22 Q. Now, when there is a referral to the alternative

23 education program, would you anticipate that the students --

24 that R [REDACTED] and K [REDACTED] were having some problems in their

25 classroom?

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1 A. Not from the referral that I received. Because I

2 was specifically told the assault and the harassment.

3 Q. But typically when you receive a referral for the

4 alternative education program, would you assume that

5 children are having some problems in their classes?

6 A. I might assume.

7 Q. Well, you don't even have to assume, because

8 you're the intake person. Isn't it always the case that

9 when kids are referred to the alternative education program,

10 that they are having some kind of social, emotional, or

11 behavioral problems in their classes?

12 A. Yes.

13 Q. Okay. And does it make a difference to Sarah Reed

14 whether the students are -- have an IEP or don't have an

15 IEP?

16 A. No.

17 Q. Okay. So you'll accept students in either

18 category.

19 A. Yes.

20 Q. Special ed. or non-special ed.

21 A. Yes.

22 Q. And did you ask the Erie School District why --

23 whoever you were dealing with at the Erie School District,

24 did you ask them why these girls who -- who had suffered

25 trauma, why they needed an alternative educational

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1 placement?

2 A. No.

3 Q. Okay. And is that because if you get a referral

4 for the alternative educational program, you will accept

5 that referral, even if the students don't need an

6 alternative education program?

7 A. We would be looking at the clinical need, the

8 mental health need, or emotional needs.

9 Q. But that could be satisfied on an outpatient

10 basis, right? Theoretically.

11 A. Theoretically.

12 Q. So, I mean, in terms of providing outpatient

13 services for students, is there anyone else in the Erie

14 area, aside from Sarah Reed, that offers those kinds of

15 programs?

16 A. Outpatient?

17 Q. Yes.

18 A. Yes.

19 Q. Who would that be?

20 A. The Achievement Center, Safe Harbor, St. Vincent.

21 Q. Do those institutions also offer alternative

22 education?

23 A. Not that I'm aware of.

24 Q. Now, I think there's an institution called Perseus

25 House that offers alternative education.

9 (Pages 30 to 33)

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF PENNSYLVANIA
3 RICHARD P., BY AND FOR
4 RICHARD P., AND DENISE L., BY
5 AND FOR K. L.,
6 Plaintiffs
7 vs
8 Civil
9 SCHOOL DISTRICT OF THE
10 CITY OF ERIE, PENNSYLVANIA;
11 JANET WOODS, INDIVIDUALLY
12 and in her Capacity as Principal
13 of Strong Vincent High School;
14 and LINDA L. CAPPABIANCA,
15 Individually and in her Capacity
16 as Assistant Principal of Strong
17 Vincent High School,
18 Defendants
19
20 Deposition of LINDA CAPPABIANCA, taken before
21 and by Linda K. Rogers, Commissioner of Deeds in
22 the Commonwealth of Pennsylvania and Notary Public
23 in the State of New York, on Monday, April 4,
24 2005, commencing at 1:04 p.m., at the law offices
25 of Knox, McLaughlin, Gornall & Sennett, 120 West
10th Street, Erie, Pennsylvania.
* * *

Page 1

1 For the Plaintiffs:
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6
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12
13 * * *

Page 2

1 LINDA CAPPABIANCA, first having
2 been duly sworn, testified as follows:
3
4 DIRECT EXAMINATION
5 BY MR. OLDS:
6
7 Q. Good afternoon, Mrs. Cappabianca.
8 A. Good afternoon.
9 Q. How are you?
10 A. Good, thank you. And you?
11 Q. I'm pretty good.
12 A. And how was that ride?
13 Q. It was dry. It was very pretty today. What a
14 gorgeous day.
15 MR. OLDS: Off the record.
16 (Discussion held off the record.)
17 MR. OLDS: Back on the record.
18 Q. Ms. Cappabianca, for the record would you state
19 your full name and give us your address, your business
20 address will be fine.
21 A. Linda Louise Cappabianca, 820 Lincoln Avenue,
22 Erie, Pennsylvania, 16505.
23 Q. Have you ever been deposed, Ms. Cappabianca, in a
24 deposition?
25 A. No.

Page 3

1 Q. Let me explain a couple of things here. I am
2 going to be asking you a series of questions. I'm sure
3 Mr. Marnen went over this, but I will be asking you a series
4 of questions. If any of my questions become too convoluted
5 or don't make sense, tell me and I will try to rephrase
6 them.
7 If you let me finish a question before you start
8 to answer, and I will let you finish an answer before I
9 start the next question and this will help the reporter. In
10 conversation we always interrupt each other because we sort
11 of know where we are going and we are just anxious to get
12 there. But sometimes in a deposition when you look at a
13 question and you can't figure out what the question was if
14 you interrupt me, and I won't get your full answer if I
15 interrupt you. So if you can just abide by that one ground
16 rule, and then the only other ground rule is it's best if
17 you say yes or no instead of unh-unh or um-hmm in the
18 appropriate -- when the occasion is appropriate, okay?
19 Have you lived in Erie all of your life?
20 A. All of my life.
21 Q. Are you a product of the Erie Public School
22 System?
23 A. No.
24 Q. Where did you go to go high school?
25 A. Mercyhurst Prep.

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1 withdrew him from the Erie schools?
2 A. I didn't. I sent home school visitors trying to
3 find him. And then if you look at the different home school
4 visitors' report, we had different, um, whereabouts. Once I
5 heard he was at GECAC. Once I heard he was at Sacred Heart,
6 then I heard he was at First Assembly of God. So we
7 didn't -- it was like a two-week span before we actually
8 found out where he was.
9 Q. I want to show you -- I will mark this as
10 Exhibit 8.
11 (L. CAPPABIANCA EX. 8 - ATTENDANCE CARD,
12 marked for identification.)
13 Q. That's Exhibit 8.
14 A. Okay. Do you have a particular question?
15 Q. Yes. My first question is: Can you tell me what
16 that form is?
17 A. This is a white attendance card. We used them for
18 the program after school suspension or P.A.S.S. program.
19 And they would let us know when they were actually present
20 in the program or absent from the program.
21 Q. This particular form doesn't have anything to do
22 with his school attendance, C [REDACTED], this is for P.A.S.S.?
23 A. Correct.
24 Q. So Exhibit 8 is for P.A.S.S., and was he assigned
25 to P.A.S.S. every day where there is a notation?

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1 A. Right. What they would do is this bottom part
2 would be the back of the white card. The top is the front,
3 the bottom is the back. And what the P.A.S.S. supervisor,
4 who was a teacher in the building, would do was on the back
5 of the card would put three -- do you see the A-T-T?
6 Q. Yes.
7 A. That means attendance P.A.S.S. You had two
8 different kinds of P.A.S.S. One was called attendance
9 P.A.S.S. and one was called regular P.A.S.S. Attendance
10 P.A.S.S. means that the child had to come to school during
11 the school day and then stay from 3:30 to 6:30, so their day
12 was extended. Regular P.A.S.S. was they just stayed home
13 during the school day and then they came 3:30 to 6:30 at
14 night only --
15 Typically I would assign attendance P.A.S.S.
16 especially if the child had been in special education
17 because obviously they are below grade level and you would
18 want to have them in getting the instruction.
19 Q. The ABS, there is notation over here on the right,
20 ABS, what is that?
21 A. Absent.
22 Q. So would you assume that all of the -- was C [REDACTED]
23 B [REDACTED] assigned to P.A.S.S. each day where there is an
24 indication -- where an X or P appears?
25 A. Yes. The P means he was actually physically

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1 there, the X means he was absent.
2 Q. He was there -- I know someplace in there it says
3 released.
4 A. That means that he served his three days or five
5 days, however many days he was assigned.
6 Q. Okay. I know he wasn't always in P.A.S.S., but he
7 was in P.A.S.S. quite a bit; is that right?
8 A. Yes.
9 Q. So this case involves K [REDACTED] L [REDACTED] and R [REDACTED]
10 P [REDACTED] Do you remember them from your days at Strong
11 Vincent?
12 A. Yes.
13 Q. Do you remember each of the girls?
14 A. Yes.
15 Q. Did K [REDACTED] L [REDACTED] -- did you have -- how many
16 times do you think you had either meetings or encounters or
17 talks with her?
18 A. With K [REDACTED]? Daily, but not for behavioral
19 issues, but I had seen her daily.
20 Q. Describe her. Not physically, but describe the
21 contact that you had with her, the different types of
22 reasons that you might meet with her.
23 A. She would just stop in periodically. I was in a
24 classroom, it was kind of an unusual setup, not your typical
25 office where there's like a counter and you would have to

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1 wait, the secretary would have you have a seat before, you
2 know, announcing the student was there. So mine was just a
3 typical classroom, and she would frequently just walk in --
4 whether it was to say hello. Very few occasions she was
5 referred to me for behavior reasons, but there were some.
6 She had difficulty adjusting -- not adjusting as far as
7 socially, she was very social. She had trouble making it
8 from one class to the next.
9 Q. And I have never been there, so is it because it
10 is a big building and it might be confusing?
11 A. It is a big building. All the middle school
12 classes are basically down a hall that was not very long and
13 they were one right across from each other. Probably just
14 very overwhelming for her.
15 Q. Do you recall whether she ever complained to you
16 about C [REDACTED] B [REDACTED]?
17 A. No.
18 Q. You don't recall that?
19 A. No.
20 Q. Do you recall what reasons that she was sent to
21 you as a disciplinary problem?
22 A. Could have been a range of things. I don't recall
23 anything specifically. There's only one incident that I
24 actually recall, and I remember she was not in class so they
25 let me know and I had to go find her. And I did, I found

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1 her and took her to class.
2 Q. Where was she?
3 A. Locker room in the gym.
4 Q. Did you talk to her?
5 A. I did.
6 Q. What was her explanation?
7 A. Wasn't an explanation, just wasn't in class.
8 Q. And she was in the locker room?
9 A. Yes.
10 Q. Do you have any idea what time -- what part of the
11 year that was?
12 A. I would say middle.
13 Q. What about R. P. do you recall -- you do
14 recall her as a student there, right?
15 A. Yes.
16 Q. What about referrals for discipline concerning
17 her?
18 A. I don't think she had many problems in class.
19 There were a few times that she had used profanity, once in
20 the hallway I recall -- actually twice that she used it.
21 There was a discipline -- not discipline, I'm sorry, a dress
22 code violation. She was in, I think it was jeans and then
23 she was also with R. in the locker room -- I'm sorry,
24 K.
25 Q. That same day?

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1 A. Yes.
2 Q. They were both there?
3 A. Yes.
4 Q. And did you ask -- did either one of them have an
5 explanation for being there?
6 A. No.
7 Q. Did you ever talk to K. about the fact that
8 C. B. assaulted her?
9 A. No. She was not in our building at that time.
10 Q. She never came to you and told you that she had
11 been assaulted?
12 A. Never.
13 Q. Did you ever talk to R. about whether R.
14 had been assaulted?
15 A. After she had an episode in Miss Scully's class
16 Miss Scully brought her to me.
17 Q. Tell me about that episode.
18 A. It was January 9th very, very beginning of class.
19 She had screamed at another student in the room. I believe
20 it was the F-word, Miss Scully referred her to me. That's
21 when she had told me that they were -- boys were asking her
22 to do things and that something had taken place over at the
23 laundromat.
24 Q. How do you know it is January 9th?
25 A. Because I actually had to write up the incident

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1 and submit it to the Erie Police Department.
2 Q. What time of day was that?
3 A. I believe it was fifth block, which would have
4 been first period.
5 Q. So Miss Scully brought her to your office?
6 A. Correct.
7 Q. And describe what R. looked like, her
8 demeanor?
9 A. That day?
10 Q. Yes.
11 A. She was angry. I couldn't tell you what she had
12 on. She was just very angry.
13 Q. And how many -- that would not have been the
14 first -- you would have had interactions with her before
15 January 9th --
16 A. I have.
17 Q. -- on other matters. I take it you would know
18 her?
19 A. Absolutely.
20 Q. And what was the nature of the conversation that
21 you had with her that day? Tell me what you recall her
22 saying and what you said.
23 A. I know that she had told me that boys were asking
24 her to do things and --
25 Q. Did she say what they were asking her to do?

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1 A. I believe it was perform oral sex. And then I
2 took her -- right after she had told me that and then I
3 said, well, why would they ask you that. And she had told
4 me about the laundromat incident and I went right down to
5 Ms. Woods' office.
6 Q. So what did she tell you about the laundromat
7 incident?
8 A. She had told me that B. C. had coerced
9 her into giving oral sex to A. K., who was a high
10 school student, and C. B. who was a middle school
11 student. They were in the laundromat at one time. There
12 was a laundry attendant there. They went into the bathroom,
13 nothing happened in the bathroom, then they went outside.
14 B. threatened her, and then I know that they walked down
15 the street and were in between houses.
16 Q. This is something that R. told you that day?
17 A. She did.
18 Q. How long did that take for her to tell you the
19 story?
20 A. Well, we were in Mrs. Woods' office.
21 Q. She told the story in Miss Woods' office?
22 A. Yes. We interviewed all the people together.
23 Q. Did you take any notes of these interviews?
24 A. Yeah. Actually we had students, not R., but
25 we had other students that were there that actually wrote

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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF PENNSYLVANIA
3 RICHARD P., BY AND FOR
4 R. P., AND DENISE L., BY
5 AND FOR K. L.,
6 Plaintiffs
7 vs
8 SCHOOL DISTRICT OF THE
9 CITY OF ERIE, PENNSYLVANIA;
10 JANET WOODS, INDIVIDUALLY
11 and in her Capacity as Principal
12 of Strong Vincent High School;
13 and LINDA L. CAPPABIANCA,
14 Individually and in her Capacity
15 as Assistant Principal of Strong
16 Vincent High School,
17 Defendants

Civil Action No. 03-390
Erie

18 Deposition of LINDA CAPPABIANCA, taken before
19 and by Linda K. Rogers, Commissioner of Deeds in
20 the Commonwealth of Pennsylvania and Notary Public
21 in the State of New York, on Friday, April 29,
22 2005, commencing at 11:15 a.m, at the law offices
23 of Knox, McLaughlin, Gornall & Sennett, 120 West
24 10th Street, Erie, Pennsylvania.
25 * * *

Page 1

1 For the Plaintiffs:
2 Edward Olds, Esquire
3 Carolyn Russ, Esquire
4 1007 Mount Royal Boulevard
5 Pittsburgh, PA 15223
6
7 For the Defendants:
8 James T. Marnen, Esquire
9 Knox McLaughlin Gornall & Sennett, PC
10 120 West 10th Street
11 Erie, PA 16501
12
13 * * *
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21
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23
24
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Page 2

1 LINDA CAPPABIANCA, first having
2 been duly sworn, testified as follows:
3
4 DIRECT EXAMINATION
5 BY MR. OLDS:
6
7 Q. Good morning, Miss Cappabianca, how are you?
8 A. Wonderful. How are you?
9 Q. Pretty good. I don't think we are going to be --
10 I don't think it's going to be an all day thing or anything
11 like that. We'll be here for a little while, just for your
12 anticipation, I guess.
13 I guess maybe one thing I would like to talk about
14 is to come to an understanding about the documents that
15 might have been created as you and Miss Woods conducted your
16 investigation. And just so you can understand, I guess,
17 maybe where we are coming from, we conducted the deposition
18 of some of the police officers and one of the police
19 officers said that there were -- testified, and the police
20 records indicate there were two documentary or physical
21 items of evidence in this case. One being a videotape of
22 R. P. and, the second, being a statement that
23 actually you wrote for A. F. And so that is
24 what was turned over to the police, at least that's what the
25 police indicate was turned over to them. You and Miss Woods

Page 3

1 conducted at least two days of interviews, right, or was it
2 three days?
3 A. Two.
4 Q. And the first day was it the students that you
5 were interviewing?
6 A. Yes.
7 Q. And when you interviewed the students, aside from
8 A. F. did you ask any of them to write anything?
9 A. I know that Jan and I made -- had written things
10 down for our own memory notes. I believe that the students
11 did.
12 Q. What's that, I'm sorry, go ahead.
13 A. It's typical whenever, no matter what the
14 circumstances are, whenever you are talking with a child to
15 have them write down their side of the story.
16 Q. That was going to be my question, that would have
17 been the practice?
18 A. Yes.
19 Q. Do you have any explanation as to why the
20 students' statements don't exist anymore?
21 A. (Witness moved head side to side.)
22 Q. I guess that's my question: Do you have any
23 explanation why those statements apparently don't exist?
24 A. I know that everything that I have had, my whole
25 file of those kids, their discipline files are no longer in

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1 about that there was an IEP review revision meeting?
2 A. They would have had to have done that before they
3 could change schools. That's all this is saying, see the
4 second page, notice of recommended educational placement.
5 Q. Yes.
6 A. That's what that's telling you is that you are
7 changing her placement, her educational placement.
8 Q. Who do you think would have been responsible for
9 starting that process?
10 A. Well, I think because of the circumstances that
11 Mr. Ruhl was involved, Miss Woods and I were involved, Frank
12 Scozzie, Charlise Moore, it was something that was discussed
13 amongst us what would be the best for both she and K [REDACTED]
14 Q. Do you have a recollection of this, that there was
15 actually a meeting where this IEP revision review was
16 adopted that you actually sat down with Mrs. Gray was there,
17 you were there.
18 A. I don't recall a meeting.
19 Q. Then I would like you to look at, I guess I'm
20 going to show you what was marked as Exhibit 2 in Charlise
21 Moore's deposition.
22 A. Okay.
23 Q. This pertains to K [REDACTED] L [REDACTED]. And there is a --
24 the third page of that is an IEP revision review pertaining
25 to K [REDACTED] L [REDACTED] and it's signed by Denise L [REDACTED] Melissa

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1 Q. You can give those back to me.
2 A. I'm sorry. I didn't look at this one, is this the
3 same thing?
4 Q. It's the same handwriting. One pertains to
5 K [REDACTED] and one pertains to R [REDACTED]. Did you participate at
6 all in the decision making process that ended up with
7 K [REDACTED] and R [REDACTED] going to Sarah Reed?
8 A. We recommended, Jan Woods and I, that it might be
9 better to move the girls to a different building.
10 Q. Okay. Tell me about what you remember, first of
11 all, I guess your discussions with Janet Woods and then how
12 you communicated your recommendation.
13 A. Um, we discussed that probably if the kids knew
14 about this it may not be a good idea for the girls to be --
15 other students, that's what who I meant by kids knew about
16 it -- wouldn't be a good idea for the girls to be in the
17 building. So we had suggested that, Jan had actually
18 because proper protocol is she is the one in charge, had
19 actually mentioned that to Frank Scozzie. And being that
20 they were in special education it was something that the
21 special education supervisor would have to agree upon also.
22 Q. And do you remember when you reached that
23 conclusion?
24 A. I think it was in our heads the entire time even
25 on the 9th. I don't think we discussed it with anybody

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1 Valimont, Mrs. Gray and Linda L. Cappabianca. Do you recall
2 a meeting occurring about K [REDACTED] L [REDACTED]?
3 A. Yes.
4 Q. And that might have been -- I don't know if that
5 made my question clear. Do you think there really was a
6 meeting, an IEP meeting, or might this document have just
7 been circulated among the people that signed it for their
8 signature?
9 A. It could have been. Is that typical standard, no,
10 you actually sit down with the parents, but it could have
11 been.
12 Q. There might not have been a meeting in this
13 instance?
14 A. No.
15 Q. Then I want to show you the documents that were
16 marked as 3 and 4 in Miss Moore's exhibit.
17 A. Okay, what I'm looking at, change in --
18 Q. These two documents, is that your handwriting on
19 these documents?
20 A. No.
21 Q. Have you ever seen these documents before?
22 A. No.
23 Q. Your name appears on that, but you have never seen
24 these before?
25 A. No.

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1 until the 10th.
2 Q. Okay. Now, you say the other kids knew about it.
3 Originally you said in your first deposition we talked a
4 little about how there was hall talk before Christmas that
5 there was this incident, sexual activity. After Christmas
6 how did you know that the students had acquired knowledge of
7 this?
8 A. Through R [REDACTED]. She had said people were taunting
9 her, the other two incidents.
10 Q. Did you have the impression that the circumstances
11 were widely known through the junior high?
12 A. No. Well, I wouldn't have found out about it if
13 it wasn't for R [REDACTED] which is not typical among middle
14 school kids. They let you know whenever anything happens.
15 Q. Did it occur to either you or Miss Woods that
16 perhaps if you disciplined anyone who taunted or harassed
17 R [REDACTED] that she could remain in the school?
18 A. By this point it was after that we found out about
19 it the same day we found out about everything. So had kids
20 been disciplined -- we would have disciplined kids had it
21 been going on, but we didn't know it was going on.
22 Q. You decided to move them because you were afraid
23 it was going to go on or what, that's what I don't
24 understand?
25 A. Not necessarily. Part of it, part of it

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1 A. I didn't personally, I think I went through Jan on
2 everything.
3 Q. Do you know what a therapeutic behavioral support
4 program is? I think you have a special ed. background,
5 don't you?
6 A. Um-hmm.
7 Q. Who does a therapeutic behavior support program?
8 A. I would say it has more of a counseling component
9 to it.
10 Q. What do you know or are you speculating?
11 A. I'm speculating.
12 Q. So a program of therapeutic behavior support isn't
13 a term of art in special ed.?
14 A. No, not necessarily.
15 Q. Behavior support programs, that is a special --
16 that is a type of program for kids with severe behavior
17 problems; is that right?
18 A. I would imagine among other things, but I would
19 say yes.
20 Q. We spent some time, I think in your first
21 deposition, talking about -- you were taking steps to get
22 C█████ B█████ out of Strong Vincent.
23 A. Correct.
24 Q. And did you want to send him to Sarah Reed?
25 A. No.

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1 Q. Where did you want to send him?
2 A. Alternative education, which is Perseus House.
3 Q. Perseus House?
4 A. Yes.
5 Q. Is that a behavior support program at Perseus?
6 A. That's more a behavior modification program.
7 Q. Behavior modification. Okay. Is there -- to your
8 understanding is there a difference between a behavior
9 modification program and a program of therapeutic behavior
10 support?
11 A. I would say there was, to my understanding.
12 Q. Exhibit 2, which is the one -- if you want to take
13 this top clip off and go to the second that's Exhibit 2,
14 that's Moore Exhibit 2. And that's a temporary home
15 placement, and were you aware that K█████ was going to be
16 given a temporary home?
17 A. Right, same with R█████ That's what it says here
18 IEP in the home. Yes. They have to do a change of
19 placement whenever you are -- whenever they are not in the
20 school building.
21 Q. Had you ever seen a temporary home placement for
22 five days?
23 A. Yes.
24 Q. Is that something that is frequently used by the
25 Erie School District?

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1 A. We no longer use it, but that year we did do what
2 is called in home IEP.
3 Q. Why only that year, if you know?
4 A. I don't know why. I just found out we don't need
5 them -- I have not had to use them since that year. It
6 depends on the population of students that you have, but
7 when a child has an IEP you try to keep them in school, you
8 don't want to suspend them. If there is something that
9 warrants them being suspended, then we could do an in home
10 IEP. That way they are still getting their individual
11 education plan, but it is going to be in the home not at --
12 Q. So that's a device or procedure that was used in
13 2001, 2002?
14 A. Right. I don't know if you know anything about
15 special ed. laws, but there are very many of them and you
16 try not to exclude the child from school.
17 Q. Right.
18 A. So this was, I think, a way for us -- because, I
19 mean, sometimes you have special ed. kids that not because
20 of manifestation of their disability, but you have kids that
21 commit infractions that if it was the regular education the
22 student would be suspended right away and you can't do that
23 with a special ed. child.
24 Q. Did you know that -- I think we are going to find
25 this out, but do you know whether R█████ and K█████ were

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1 referred to a behavior modification program at Sarah Reed?
2 A. I don't know that.
3 Q. When you found out sometime in January that
4 K█████ was among the students who were at the laundromat
5 that night, and the other students that you interviewed
6 talked about the fact that K█████ had been engaged -- had
7 been forced to give oral sex to C█████ B█████ did you
8 relate that back to the conversation that you had with
9 K█████ in December?
10 A. Yes.
11 Q. Did you think that K█████ had problems
12 communicating? I mean, was she able to express what she
13 needed to express to get the ideas that she wanted to get
14 across across?
15 A. Yes.
16 Q. She was able to do that?
17 A. Yes.
18 Q. You didn't think she had trouble communicating?
19 A. No. I don't know how she was written. I don't
20 know if she could write her ideas out, but she was very -- I
21 mean, she was able to tell you how she was feeling.
22 Q. Actually I have another question here about this
23 exhibit, let me find the document. Once again returning
24 back to Moore Exhibit 1, document Bate stamped 442, it is a
25 handwritten statement signed by Shelly P█████ I'm

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RICHARD P., by and for :
R. P., and DENISE L., :
by and for K. L., :
Plaintiffs :

v. :

Civil Action No. 03-390
Erie

SCHOOL DISTRICT OF THE CITY :
OF ERIE, PENNSYLVANIA; JANET :
WOODS, Individually and in :
her Capacity as Principal of :
Strong Vincent High School; :
and LINDA L. CAPPABIANCA, :
Individually and in her :
Capacity as Assistant :
Principal of Strong Vincent :
High School, :
Defendants :

Deposition of ROBERT R. IDDINGS, taken before
and by Janis L. Ferguson, Notary Public in and
for the Commonwealth of Pennsylvania, on Thursday,
May 5, 2005, commencing at 11:49 a.m., at the
offices of Knox McLaughlin Gornall & Sennett, PC,
120 West 10th Street, Erie, Pennsylvania 16501.

Reported by Janis L. Ferguson, RPR
Ferguson & Holdnack Reporting, Inc.

<p style="text-align: right;">Page 14</p> <p>1 and the counselor in the most natural environment, which</p> <p>2 would be the classroom. Occasionally the therapist will do</p> <p>3 individual therapy with the child.</p> <p>4 Q. When you say "occasionally", are you -- is it more</p> <p>5 or less than 10 hours a week?</p> <p>6 A. Of the therapist's job?</p> <p>7 Q. Yes.</p> <p>8 A. Less.</p> <p>9 Q. Less. Would it be more or less than five hours a</p> <p>10 week?</p> <p>11 A. It would be probably about five hours.</p> <p>12 Q. Five hours a week. And those therapy sessions</p> <p>13 would take place in the therapist's office?</p> <p>14 A. Right.</p> <p>15 Q. Okay. Now, does each student get five hours a</p> <p>16 week, or is it --</p> <p>17 A. No. That would be split between their caseload.</p> <p>18 Q. Oh. So a therapist would give five hours of</p> <p>19 individual therapy a week among the --</p> <p>20 A. 26 clients.</p> <p>21 Q. -- 26 clients. Okay. And what is the -- the</p> <p>22 counselors -- their reporting line is up through the --</p> <p>23 Mr. Dildine? They report to him?</p> <p>24 A. Right.</p> <p>25 Q. And what do they -- what are the counselors'</p>	<p style="text-align: right;">Page 16</p> <p>1 behavior modification program, special education tract, end</p> <p>2 quote. Does that language have any meaning to you?</p> <p>3 A. It does not.</p> <p>4 Q. Okay. Does Sarah Reed offer behavior</p> <p>5 modification -- I guess Mr. Bogardus said that it was a</p> <p>6 teaching modality. Is that what it -- is that the correct</p> <p>7 terminology?</p> <p>8 A. Right. Yes.</p> <p>9 Q. Sarah Reed does offer that.</p> <p>10 A. Yes, we do.</p> <p>11 Q. Is it fair to say that -- do all of the students</p> <p>12 who are in a classroom at Sarah Reed need that teaching</p> <p>13 modality -- method modality?</p> <p>14 A. All of the children participate in it.</p> <p>15 Q. Okay. And tell me what that is.</p> <p>16 A. If you want to look at this exhibit --</p> <p>17 Q. Sure. This would be Exhibit 1?</p> <p>18 A. Right.</p> <p>19 Q. Of your --</p> <p>20 A. The -- on Page 7, the classroom level program.</p> <p>21 Q. Yes.</p> <p>22 A. That is one form of behavior modification.</p> <p>23 Q. Okay.</p> <p>24 A. It's a program-wide incentive program for the</p> <p>25 clients to earn more privileges. Basically a way of</p>
<p style="text-align: right;">Page 15</p> <p>1 responsibilities in the classroom?</p> <p>2 A. They provide social skills training daily, they</p> <p>3 implement incentive programs, they help the kids learn</p> <p>4 coping skills and self-regulation. And they assist with</p> <p>5 activities, educational activities, as well as therapeutic</p> <p>6 activities.</p> <p>7 Q. Do you know if the counselors are -- are they</p> <p>8 certified under Pennsylvania education law as counselors?</p> <p>9 Are they those kind of counselors?</p> <p>10 A. Not necessarily. Generally -- not always, but</p> <p>11 generally they are Bachelor's-level employees.</p> <p>12 Q. Okay. You were here, and I can show you the --</p> <p>13 maybe that's the best way to -- I'll show you the piece of</p> <p>14 paper that I was referring to. There was a -- let's see if</p> <p>15 I can find it. It would be -- I think it's the fifth page</p> <p>16 of this first exhibit. It looks like this (indicating).</p> <p>17 Keep going. It's that one, yeah.</p> <p>18 A. Okay.</p> <p>19 Q. And I know you have probably never seen this</p> <p>20 document, but I just want to ask you about the language in</p> <p>21 it.</p> <p>22 MR. MARNEN: What's the Bates number?</p> <p>23 MR. OLDS: I'm sorry, Jim. It's 445. It's the</p> <p>24 memo from Audrey Pecoraro to Frank Scozzie.</p> <p>25 Q. And it talks about referral to Sarah Reed, quote,</p>	<p style="text-align: right;">Page 17</p> <p>1 monitoring their progress. So all of the children</p> <p>2 participate in this -- this program.</p> <p>3 Q. Okay.</p> <p>4 A. And depending on need, the therapist will develop</p> <p>5 an individualized behavior program for certain students.</p> <p>6 Q. And then are there any other -- I understand</p> <p>7 there's a therapeutic component. But are there any other</p> <p>8 education modalities that are going on in the classroom?</p> <p>9 A. Such as direct instruction?</p> <p>10 Q. Well, I guess. Is there direct instruction?</p> <p>11 A. Yes.</p> <p>12 Q. What other modalities are going on in the</p> <p>13 classroom, besides direct instruction and the behavior</p> <p>14 modification?</p> <p>15 A. Social skills training. Group therapy. And that</p> <p>16 can be regarding a variety of topics.</p> <p>17 Q. Like for -- give me some examples, maybe.</p> <p>18 A. Peer relationships, coping with stress,</p> <p>19 managing -- identifying and managing emotions. Those are</p> <p>20 three off the top of my head.</p> <p>21 Q. Is it fair to say that the children in the</p> <p>22 educational program exhibited some kind of -- must have</p> <p>23 exhibited some kind of behavior problems at their referring</p> <p>24 schools? I'm not saying must have. I'm saying that's why</p> <p>25 they are at Sarah Reed, because they exhibited some kind of</p>

<p style="text-align: right;">Page 26</p> <p>1 Q. Generally, can you categorize the types of</p> <p>2 students that the Erie School District refers to Sarah Reed.</p> <p>3 A. It runs the entire gamut, from children who have</p> <p>4 acted out one time aggressively, who have no previous</p> <p>5 history, to children who have multiple diagnoses and have</p> <p>6 long histories of mental health services.</p> <p>7 Q. And generally is there a -- would you say that</p> <p>8 there's a mental health component to every referral?</p> <p>9 A. Our goal is to determine that. So that the school</p> <p>10 district will make the referral, and during the initial --</p> <p>11 let's say phase will treatment, we would try to -- we need</p> <p>12 to know that up front, that there is a mental health</p> <p>13 component to it, or we would try to assess that.</p> <p>14 Q. So when the Erie School District made the referral</p> <p>15 in this case, and it was -- apparently as described by</p> <p>16 Mr. Bogardus, it was an oral referral, and he took it to the</p> <p>17 admissions committee, is it -- was it enough for Sarah Reed</p> <p>18 that Erie -- if you know, that the School District was</p> <p>19 making the referral so that Sarah Reed, just based upon that</p> <p>20 referral, would accept the students?</p> <p>21 A. If the parents were in agreement.</p> <p>22 Q. So to put it conversely, Sarah Reed wouldn't turn</p> <p>23 down a referral from the Erie School District based upon</p> <p>24 its -- assuming that there was parental consent, based upon</p> <p>25 its own evaluation of the student's need, you would accept</p>	<p style="text-align: right;">Page 28</p> <p>1 every 20 days following that, the treatment team will</p> <p>2 convene and review any symptoms that may be coming up,</p> <p>3 history, as well as progress, and revise the treatment plan</p> <p>4 on an ongoing basis.</p> <p>5 Our therapeutic process generally is -- during the</p> <p>6 first stage, within the first month or so, is just building</p> <p>7 rapport, gathering information, designing an individualized</p> <p>8 treatment plan. From there, they will work on any</p> <p>9 self-regulatory skills that may need to be developed; coping</p> <p>10 skills, peer relationships. And then the final stage is</p> <p>11 transitioning back to a public school.</p> <p>12 Q. Okay.</p> <p>13 (Discussion held off the record.)</p> <p>14 MR. OLDS: Let me take a break here of a couple</p> <p>15 minutes, and I'll be right back.</p> <p>16 (Recess held from 12:38 p.m. till 12:42 p.m.)</p> <p>17 A. Can I clarify one thing?</p> <p>18 Q. Sure, yes.</p> <p>19 A. You had asked if we generally accept referrals for</p> <p>20 alternative ed. We do turn referrals down. I don't think</p> <p>21 we would have in the case of K [REDACTED] and R [REDACTED], because we</p> <p>22 had such limited information. But depending on the</p> <p>23 information that we get, we do make determinations that our</p> <p>24 program won't be beneficial.</p> <p>25 Q. So the more information you have, the more able</p>
<p style="text-align: right;">Page 27</p> <p>1 the student and do the evaluation after the student came.</p> <p>2 A. Right. Unless we had previous history. You know,</p> <p>3 if we knew there was a reason that our program wasn't --</p> <p>4 wouldn't be beneficial.</p> <p>5 Q. Okay. Is there any problem with putting the</p> <p>6 students who have aggressive behavioral tendencies with</p> <p>7 students who are internalizing?</p> <p>8 A. Yes.</p> <p>9 Q. Does that present issues?</p> <p>10 A. It does.</p> <p>11 Q. Tell me, describe what those issues are.</p> <p>12 A. Children who have symptoms of severe anxiety can</p> <p>13 sometimes have heightened symptoms with children who are</p> <p>14 aggressive inside their own classroom.</p> <p>15 Q. And how do you deal with that at Sarah Reed?</p> <p>16 A. We try to work with both -- both populations. If</p> <p>17 a child is, you know -- presents significantly worse</p> <p>18 symptoms, we'll try to move them to another classroom.</p> <p>19 Q. Okay. Then how -- describe for me the evaluation</p> <p>20 process that Sarah Reed follows when a student is referred</p> <p>21 to it.</p> <p>22 A. Generally, within the first month or so -- well,</p> <p>23 within the first five days, a psychiatrist will review the</p> <p>24 case or what we know about the client. And the therapist</p> <p>25 will write an initial preliminary treatment plan. Then</p>	<p style="text-align: right;">Page 29</p> <p>1 you are to evaluate whether the referral is appropriate or</p> <p>2 not.</p> <p>3 A. Correct.</p> <p>4 Q. So in a situation where you get a telephone call</p> <p>5 saying we want to refer two kids to your program, they have</p> <p>6 been -- they are being harassed and they have been victims</p> <p>7 of a sexual assault, you will accept those students, because</p> <p>8 that's the only information you have.</p> <p>9 A. Right.</p> <p>10 Q. Okay. And you're relying -- at that level, you're</p> <p>11 relying on the school district to make the decision that</p> <p>12 it's appropriate for these students to be placed in the</p> <p>13 educational program at Sarah Reed, as well as perhaps get</p> <p>14 the therapeutic programs that Sarah Reed offers.</p> <p>15 A. Because of our relationship, they know our -- the</p> <p>16 therapeutic pieces that we offer at this point in time. But</p> <p>17 they really just rely on us to make that -- that</p> <p>18 determination.</p> <p>19 Q. They rely on you as to what therapy will be</p> <p>20 offered, but they could make a referral to you for</p> <p>21 outpatient therapy, right?</p> <p>22 A. No.</p> <p>23 Q. Oh, they could not.</p> <p>24 A. No.</p> <p>25 Q. And why is that?</p>

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF PENNSYLVANIA
3 RICHARD P., by and for
4 R. P., and DENISE L., by
5 and for K. L.,
6 Plaintiffs
7 vs
8 Civil Action
9 No: 03-390 Erie
10 SCHOOL DISTRICT OF THE CITY OF
11 ERIE, PENNSYLVANIA; JANET
12 WOODS, Individually and in her
13 Capacity as Principal of
14 Strong Vincent High School;
15 and LINDA L. CAPPABIANCA,
16 Individually and in her
17 Capacity as Assistant
18 Principal of Strong Vincent
19 High School,
20 Defendants
21
22 Deposition of DENISE L. taken before and
23 by Linda K. Rogers, Commissioner of Deeds in the
24 Commonwealth of Pennsylvania and Notary Public in
25 the State of New York, on Monday, March 21, 2005,
commencing at 12:01 p.m., at the law offices of
Knox McLaughlin Gornall & Sennett, PC, 120 West
10th Street, Erie, Pennsylvania 16501.
* * *
Page 1

1 For the Plaintiffs:
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Page 2

1 DIRECT EXAMINATION
2 BY MR. MARNEN:
3
4 Q. You are Denise L. correct?
5 A. Yes.
6 Q. What is your middle name?
7 A. Jane.
8 Q. Where do you presently reside?
9 A. [REDACTED]
10 Q. In Erie?
11 A. Yes.
12 Q. What is the zip code?
13 A. [REDACTED]
14 Q. How long have you resided there?
15 A. Going on five years.
16 Q. Were you residing at [REDACTED] on the
17 day that K. was harmed that is the subject of this
18 lawsuit?
19 A. Yes.
20 Q. You have been at a number of depositions in this
21 case so far, and I think you probably have the drill down,
22 but let me just remind you. I am here as the attorney for
23 the school district, Miss Cappabianca, Miss Woods. My only
24 purpose is to find out what you know about facts I think are
25 relevant to the case. You have the right to understand what
Page 3

1 I am asking. If you don't understand or hear me, let me
2 know and I will rephrase it.
3 We should try to avoid talking at the same time.
4 The reporter is taking everything down, and you should use
5 words when you communicate with me as opposed to gestures
6 and sounds that are not words like um-hmm and unh-unh
7 because it is difficult for the reporter to interpret what
8 you mean by that.
9 If at any time you want to take a break, we can
10 take a break. This is not an inquisition. Do you have any
11 questions of me?
12 A. No.
13 Q. Okay. So you lived at [REDACTED] for
14 about five years?
15 A. Yes.
16 Q. Are you born and raised in Erie?
17 A. Yes.
18 Q. For a brief period of time I gather you lived in
19 Meadville?
20 A. I didn't live in Meadville.
21 Q. She did, K. did?
22 A. Yes, yes.
23 Q. What is K. father's name?
24 A. Junior.
25 Q. Is that his given name, Junior, or a nickname?
Page 4

1 Q. Okay. So Chris Rule came to the hospital at the
2 time of discharge and told you and K [REDACTED] that K [REDACTED]
3 was going to be placed in Sarah Reed for her own safety,
4 right?
5 A. Right.
6 Q. What, if anything, did you say in response to
7 that?
8 A. I said, well, what is going to happen to the boys
9 that did this? If you are removing K [REDACTED], what is going
10 to happen to them?
11 Q. And he said he didn't know?
12 A. Right. And then that's when all the court
13 proceedings started.
14 Q. Court proceedings, you're talking about the
15 juvenile delinquency proceedings?
16 A. Right.
17 Q. K [REDACTED] was, in fact, placed in Sarah Reed,
18 correct?
19 A. Right.
20 Q. How did you feel about that?
21 A. I didn't think it was right to have to remove
22 them. They should have been able to handle the situation.
23 You know, if they got rid of the boys, they should have been
24 able to handle the rest of the school. Get things under
25 control --

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1 Q. Did you tell -- I'm sorry, I didn't mean to
2 interrupt you.
3 A. You know, so she would be able to stay in the
4 school where she could learn and excel.
5 Q. Did you tell anybody at the Erie School District
6 that thought right there?
7 A. I just said it at the meeting with Chris Rule.
8 Q. At the meeting in the hospital?
9 A. Right, because he is the one that wanted to put
10 her there.
11 Q. You think it was Chris Rule's idea?
12 A. Yes, that is what I was told.
13 Q. That's fine. Chris Rule told you that?
14 A. Yeah.
15 Q. K [REDACTED] was in special education, correct?
16 A. Right.
17 Q. And you would agree with me, won't you, that there
18 is a process that relates to changing placements of special
19 education kids? There's a process you have to go through?
20 A. Yeah, IEP.
21 Q. IEP, that's the process. There was a new IEP for
22 K [REDACTED], right?
23 A. Right.
24 Q. You were invited to that meeting, the IEP meeting?
25 A. It was done at my house.

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1 Q. Really? Okay.
2 A. Mr. Rogers did it, and he gave me a yellow copy.
3 Q. So you were there with Mr. Rogers, anybody else
4 there?
5 A. No.
6 Q. Did you sign anything that indicated you agreed
7 with the placement in Sarah Reed?
8 A. I had to sign a paper at Sarah Reed when I was at
9 Sarah Reed.
10 Q. Okay.
11 MR. MARNEN: I think I will get the exhibits you
12 marked last week, Ed. I will be right back.
13 Let's take five minutes.
14 (Brief recess.)
15 Q. I only have one copy. I will come over with you,
16 if you don't mind. Moore Deposition Exhibit 2 is an exhibit
17 that has a bunch of documents in it. Let me walk you
18 through it. There's a notice of the recommended educational
19 placement, that's the NOREP. Do you recognize that; did you
20 see that back then, if you know?
21 A. Yeah.
22 Q. There is the IEP revision review. There is a
23 request for home school visitor service, I guess that's not
24 necessarily a part of the IEP. On Page E744 there is a
25 statement that you appeared to have signed; do you remember

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1 signing that?
2 A. Yes. This was signed at Sarah Reed.
3 Q. That was signed at Sarah Reed. Was that after
4 K [REDACTED] was there?
5 A. No, that was at an intake.
6 Q. Intake, okay.
7 A. Said I have to write something for her to go
8 there.
9 Q. On Page E818 of that same exhibit the document is
10 entitled IEP revision review. Is that your signature on
11 there?
12 A. Yes.
13 Q. I forget the person you said you met at your home
14 with.
15 A. Mr. Rogers.
16 Q. Mr. Rogers. It doesn't appear that Rogers signed
17 that. You signed it, correct?
18 A. This one wasn't signed at my house.
19 Q. No, it wasn't? Where was it signed?
20 A. I don't remember. I remember signing, I think it
21 was this one here.
22 Q. That is the one with 3400 in the lower right
23 corner, that's the NOREP?
24 A. Yes. I remember this at my house.
25 Q. I don't see a signature on it.

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1 A. This is the only thing I remember.
2 Q. Did you sign on the second page?
3 A. No. This is all he brought to me, and then he
4 pulled the yellow pages off and gave me the yellow one and
5 he kept these ones, he kept the top pages.
6 MR. OLDS: Did she say she did not sign 818 at her
7 house, that would be the fifth page?
8 MR. MARNEN: What is the page?
9 MR. OLDS: The fifth page of that.
10 Q. 818, you said you did not sign that at your house?
11 A. No, not at my house.
12 Q. Do you remember where you signed it?
13 A. No.
14 Q. You just signed that very first document at your
15 house, that is what you remember?
16 A. Right.
17 Q. Is that your signature on 818?
18 A. Yes.
19 Q. There is your signature on E820, NOREP, E820 you
20 signed it, right?
21 A. Right.
22 Q. Looks like multiple copies of the same thing.
23 Okay. Is it your recollection that you went along with the
24 placement at Sarah Reed?
25 A. Right.

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1 Q. You did not object to it?
2 A. No.
3 Q. You did not object, correct?
4 A. No.
5 Q. That's not correct or you didn't object?
6 A. I didn't object.
7 Q. Okay. Now I want --
8 A. Wasn't much of a choice.
9 Q. That's what I want to ask you, why didn't you
10 object?
11 A. Because he said that she would be better off
12 there.
13 Q. Chris Rule said that?
14 A. Right, than in school.
15 Q. Did he explain to you why he thought that was the
16 case?
17 A. He said because the kids need time to forget about
18 it. And if she went back to school that there might be
19 further, you know, taunting about what happened, stuff like
20 that. It would be better to give them a break.
21 MR. OLDS: Just for clarification, when you said
22 the kids need time to forget about it, what kids
23 was he talking about?
24 THE WITNESS: The students at school.
25 Q. The students besides C and B?

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1 A. Right.
2 MR. OLDS: R and K too, they were kids
3 too. I just didn't understand it.
4 A. He mentioned student body.
5 Q. Because there was some harassment going on at the
6 high school, right?
7 A. Right.
8 Q. That harassment was coming from people in addition
9 to C, B and B, C?
10 A. Right.
11 Q. And you accepted Chris Rule's opinion on this, is
12 that what you are saying?
13 A. Yeah, he is professional so --
14 Q. That opinion was -- we are talking now about the
15 conversation at discharge day, right?
16 A. Right.
17 Q. As I remember your testimony earlier you said
18 Chris Rule did not know at the time of the discharge what
19 was going to happen with B and C?
20 A. Right. He said there was a lot of police and
21 stuff coming into the school to talk to everybody, and it
22 would also be easier if they are not there.
23 Q. Did Chris Rule mention anything about Sarah Reed
24 being able to provide services that Strong Vincent could not
25 provide?

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1 A. No, that's all he said.
2 Q. All he said was get them out of there because we
3 need for it to cool down basically?
4 A. Yes.
5 Q. Did he say how long he thought the Sarah Reed
6 placement would last?
7 A. No.
8 Q. Did he say whether R, P was going to be
9 the subject of a Sarah Reed placement also?
10 A. I don't recall.
11 Q. Did you know by the time that Chris Rule was in
12 there for the discharge meeting, did you know by that time
13 that R had been a victim of a sexual assault also,
14 R, P?
15 A. Yes, I think so.
16 Q. Did K tell you that?
17 A. No, Chris Rule did.
18 Q. Chris Rule did?
19 A. Yeah.
20 Q. Did you know R, P before that day?
21 A. Yes.
22 Q. How did you know her?
23 A. K and her were friends.
24 Q. Did they ever come to your house to hang out or
25 whatever they call it?

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1 A. Yeah, and she went over there. I also went over
2 there and talked to her parents.
3 Q. You knew Richard P. [REDACTED] and Shelly P. [REDACTED] too?
4 A. Yes.
5 Q. Is that the only way you knew them was through the
6 girls?
7 A. Right.
8 Q. You didn't know them before --
9 A. No.
10 Q. -- K. [REDACTED] went to Vincent that year, right?
11 A. No. I have a question.
12 Q. Okay.
13 A. When they are supposed to have like the five days
14 of -- I saw it in that thing where they had five days of
15 in-home schooling, are they supposed to work on the IEP; do
16 you know?
17 Q. I don't know. Thank you for reminding --
18 A. They are not supposed to sit there and color, are
19 they?
20 Q. The girls, you mean?
21 A. Yeah.
22 Q. I think when they are in their home schooling they
23 are supposed to be getting an education.
24 A. Because whenever she was getting home schooling at
25 home he just gave her a coloring book and crayons.

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1 Q. The home school teacher?
2 A. Yeah, and they just colored.
3 Q. I understand K. [REDACTED] after she got out of
4 Millcreek Community Hospital never returned to Strong
5 Vincent.
6 A. No.
7 Q. She was instead placed in the home before she went
8 to Sarah Reed?
9 A. Right.
10 Q. Did K. [REDACTED] finish the school year at Sarah Reed?
11 A. Yes.
12 Q. When did she leave Sarah Reed after that school
13 year, did she leave at the end of a regular school year or
14 did she also go there in the summer?
15 A. No. She didn't go there in the summer, then she
16 went to Wayne.
17 Q. So for 2002-2003, she went to Wayne Middle School?
18 A. Right.
19 Q. Why did she go to Wayne Middle School?
20 A. Because that was the school that was over there.
21 Q. Why didn't she go back to Strong Vincent?
22 A. She didn't want to go back there.
23 Q. Is that the reason she did not go back to Vincent?
24 A. Right. She didn't want to go. And then when she
25 went to Wayne there was problems there too.

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1 Q. What kind of problems?
2 A. Well, this boy said that she was hitting him in
3 the back of the head. Her friends were sitting all in the
4 same room and said it didn't happen. And the principal
5 wanted her to go to his office with him, and it would just
6 be him and her, and she didn't feel comfortable. She said
7 you can talk right here. He said you are going to go to my
8 office, and then he grabbed her to take her to his office
9 and then she pulled away. He grabbed her by her thighs
10 twice, and then dropped her on the ground. And then he
11 grabbed her wrist and took a piece of skin out of her wrist,
12 and I called the police.
13 Q. Were any charges filed?
14 A. No. He doesn't work there anymore.
15 Q. What is his name?
16 A. Mr. Cranking (phonetic).
17 Q. Cranking?
18 A. He doesn't work there no longer as a principal.
19 Q. Is that the only, I am going to call it
20 harassment, at Wayne?
21 A. Kids picked on her.
22 Q. Did they pick on her for any reasons related to
23 the sexual assault by C. [REDACTED] B. [REDACTED]?
24 A. No, just basically --
25 Q. Basically picked on her?

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1 A. Picked on her, they hit her sometimes. One girl,
2 she is like 350 pounds, she would hit on her and she would
3 beat on her. She pushed her into the heater one time and
4 black and blued her arm up on the back.
5 Q. Has there been any verbal or physical harassment
6 or bothering of K. [REDACTED] since she entered Wayne school up
7 to the present day that has been related by the harassers to
8 the sexual assault by C. [REDACTED] B. [REDACTED]? Do you follow my
9 question, it was a long question?
10 A. No.
11 Q. What I am trying to find out is whether anybody
12 has bothered K. [REDACTED] since she went back into school after
13 she left -- after she left Sarah Reed, whether anybody has
14 bothered her by accusing her of doing something wrong with
15 C. [REDACTED] B. [REDACTED] or calling her names that would suggest that
16 she is not a good girl, things of that nature?
17 A. Well, some people at East. She don't go there
18 yet, but that's where they want to put her. She don't go
19 there yet but my older daughter comes home and tells me.
20 Q. K. [REDACTED]?
21 A. They say stuff about K. [REDACTED]
22 Q. About K. [REDACTED] being, what, promiscuous?
23 A. They didn't say promiscuous. They said that she
24 performed oral sex on C. [REDACTED]. I guess they were kids that
25 went to Strong Vincent that now go to East. At Sarah Reed

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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF PENNSYLVANIA

3 RICHARD P., by and for :
4 R. P., and DENISE L., :
5 by and for K. L., :
6 Plaintiffs :

7 v. :

8 Civil Action No. 03-390
9 Erie

10 SCHOOL DISTRICT OF THE CITY :
11 OF ERIE, PENNSYLVANIA; JANET :
12 WOODS, Individually and in :
13 her Capacity as Principal of :
14 Strong Vincent High School; :
15 and LINDA L. CAPPABIANCA, :
16 Individually and in her :
17 Capacity as Assistant :
18 Principal of Strong Vincent :
19 High School, :
20 Defendants :

21 Deposition of CHARLISE MOORE, taken before
22 and by Janis L. Ferguson, Notary Public in and
23 for the Commonwealth of Pennsylvania, on Friday,
24 March 18, 2005, commencing at 2:37 p.m., at the
25 offices of Knox McLaughlin Gornall & Sennett, PC,
 120 West 10th Street, Erie, Pennsylvania 16501.

 Reported by Janis L. Ferguson, RPR
 Ferguson & Holdnack Reporting, Inc.

Page 18

1 Q. Okay. This year, do you know how many special
2 education middle school students from the middle schools are
3 attending Sarah Reed?
4 A. That I'm responsible for at that age? I think we
5 only have four this year.
6 (Discussion held off the record.)
7 A. We have four students there right now.
8 Q. And would you -- would it be fair to say -- well,
9 would it typically be the case that it would be less than a
10 dozen that -- you know, in any given year that would be
11 referred to Sarah Reed? From your area.
12 A. Depends upon the year.
13 Q. Okay. So some years it might be more than that?
14 A. It might be more.
15 Q. Okay. Is there someone at Sarah Reed that you
16 communicate with? Like do you have particular contact
17 people at Sarah Reed that you know that you would discuss
18 whether a student should be sent to Sarah Reed?
19 A. They have an intake person you have to call.
20 Q. And is that who you deal with?
21 A. Um-hum.
22 Q. Which intake person, if you can recall, have you
23 dealt with?
24 A. Matt -- Matthew Bogardus.
25 MR. MARNEN: Bogart?

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1 THE WITNESS: Bogardus.
2 MR. MARNEN: Bogardus.
3 Q. And when you're trying to send someone to Sarah
4 Reed, what information do you provide to Matthew Bogardus?
5 A. Well, first I have the parents sign a release of
6 information, and then we usually provide the parent with the
7 child's evaluation report and their Individualized Education
8 Program. And those are the two basic things that I provide.
9 Unless there is some additional information that is
10 necessary. If there's any medical information necessary.
11 Q. Now, we're here about -- you know, my clients are
12 K L and R P. And I think that you had
13 dealings with their case or some involvement with their case
14 back in 2002. Do you recall that?
15 A. Yes.
16 Q. So prior to January of 2002, they were in Strong
17 Vincent, in learning support classes. Do you know whether
18 you had any contact or supervision or review or dealings
19 with either of the girls or their families?
20 A. I don't recall anything specifically.
21 Q. Would it be fair to say that it would be possible
22 that a student would be assigned to a learning support class
23 at Strong Vincent, and you might not meet that student or
24 meet the family or become involved in any issues concerning
25 that student?

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1 A. That is correct.
2 Q. And your involvement might be more if there were
3 problems. Is that fair?
4 A. If there was a concern by maybe the parent or a
5 concern by the teacher, or if I was observing the classroom
6 and I noticed something about a student.
7 Q. Okay. Right. You might become involved, for
8 instance, if there was a disagreement about the
9 appropriateness of an educational placement or, you know,
10 disagreement about services being provided. That would more
11 fall within your jurisdiction.
12 A. That's correct.
13 Q. Okay. So, you know, you did become involved with
14 K and R. Tell me what your recollection is of
15 how you became involved.
16 A. I believe it was before the beginning of the
17 second semester. And I was made aware of an incident at
18 school and -- by the director of special education. That
19 was Mr. Scozzie. And then I was given a directive to do
20 some paperwork in regard to the needs of students.
21 Q. Okay. Now, who is Mr. Scozzie?
22 A. He is the Director of Special Education.
23 Q. And he told you to do some paperwork for the
24 students?
25 A. Um-hum. That's correct.

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1 Q. So aside from talking to Mr. Scozzie, who did you
2 talk to about the two students?
3 A. Let's see. I believe it probably was as to
4 information that may be needed or what needed to be
5 addressed, would be with the assistant principal who usually
6 works with the students; whatever person worked with the --
7 the administrator in the building that worked with the
8 students, I usually made contact with that individual.
9 Q. So in this case, it would have been
10 Mrs. Cappabianca?
11 A. Mrs. Cappabianca. Miss Cappabianca.
12 Q. Miss Cappabianca. And how long -- do you know
13 when she started -- Miss Cappabianca, do you know when she
14 started with the Erie School District?
15 A. I don't know.
16 Q. Do you remember when you first met her?
17 A. I don't recall.
18 Q. Was she -- was she a special ed. teacher, do you
19 know?
20 A. I'm trying to remember. It's been so many years.
21 I'm sorry.
22 Q. You know what, it's very fair for you to say "I
23 don't remember", and that's an answer I can live with, so.
24 And you don't have to apologize for that. Okay?
25 Do you know when she became a principal, an

6 (Pages 18 to 21)

<p style="text-align: right;">Page 22</p> <p>1 administrator?</p> <p>2 A. I don't know what year.</p> <p>3 Q. Aside from her assignment at Strong Vincent, do</p> <p>4 you recall what school -- which school she was assigned to</p> <p>5 as an administrator?</p> <p>6 A. I can't recall. I know before she came to, I</p> <p>7 believe, Strong Vincent. I don't remember whether she was</p> <p>8 an administrator before Strong Vincent. She might have</p> <p>9 been. I don't remember. I just remember working with her</p> <p>10 there at Strong Vincent. That's what I can remember.</p> <p>11 Q. Do you know if she is still an administrator?</p> <p>12 A. Yes, she is.</p> <p>13 Q. Where is she assigned now?</p> <p>14 A. I believe she is at Harding Elementary.</p> <p>15 Q. Now, so did Mr. Scozzie -- what did Mr. Scozzie</p> <p>16 tell you about the two girls?</p> <p>17 A. There was an incident at school, and that he</p> <p>18 wanted me to look at placements for the students and start</p> <p>19 the process for students -- the students.</p> <p>20 Q. Did he tell you what the incident at the school</p> <p>21 was?</p> <p>22 A. He indicated that there was something sexual in</p> <p>23 nature that had occurred, and that to start the process for</p> <p>24 looking at an alternative placement.</p> <p>25 Q. Was this an oral conversation, or did he give you</p>	<p style="text-align: right;">Page 24</p> <p>1 doing paperwork.</p> <p>2 Q. Did you meet with Miss Cappabianca? Did you</p> <p>3 either meet with her or talk to her?</p> <p>4 A. I might have called her on the phone. I may have</p> <p>5 called her on the phone to get general information to make</p> <p>6 sure I had the right phone numbers or addresses or things</p> <p>7 like that.</p> <p>8 Q. Did you meet with or talk about the two girls with</p> <p>9 any of the teachers there?</p> <p>10 A. No.</p> <p>11 Q. So you wouldn't have talked to Miss Scully or</p> <p>12 Miss Manus?</p> <p>13 A. No, hum-um.</p> <p>14 Q. So basically you were told to do the paperwork?</p> <p>15 A. Yes. To start the process for placements for the</p> <p>16 students; to get them from that environment -- remove them</p> <p>17 from that environment.</p> <p>18 Q. There was no IEP team convened when they were</p> <p>19 moved from that environment, was there?</p> <p>20 A. You have to have a new IEP to go into any other</p> <p>21 alternative placements.</p> <p>22 Q. But that wasn't my question. Did an IEP team meet</p> <p>23 concerning this?</p> <p>24 A. It's right here (indicating).</p> <p>25 Q. Okay. Let's look at 1 and 2, so maybe you can</p>
<p style="text-align: right;">Page 23</p> <p>1 anything in writing about the incident?</p> <p>2 A. No, it was an oral conversation. It took place at</p> <p>3 his office.</p> <p>4 Q. And did he specifically describe this actual</p> <p>5 incident?</p> <p>6 A. No, he did not.</p> <p>7 Q. Eventually, I would assume that you learned what</p> <p>8 the sexual incident was.</p> <p>9 A. Well, I knew it was off school grounds and it</p> <p>10 involved several students.</p> <p>11 Q. And how did you know that?</p> <p>12 A. Just from me working on the case, going through</p> <p>13 the case, what do I need to do, how many kids do I need</p> <p>14 to -- you know, what are the names of the students, do I</p> <p>15 need to contact parents and things like that.</p> <p>16 Q. Now, were you asked to contact the parents of the</p> <p>17 victims and the assailants? Just the victims? Just the</p> <p>18 assailants? Or do you not recall?</p> <p>19 A. All I know is that I -- I can remember is working</p> <p>20 with the two -- two females. And working with two students</p> <p>21 that were middle school special education girls.</p> <p>22 Q. And did you meet with either of the girls?</p> <p>23 A. No, I did not.</p> <p>24 Q. Did you meet with their parents?</p> <p>25 A. I don't quite remember meeting with anyone. I was</p>	<p style="text-align: right;">Page 25</p> <p>1 help me -- help me through this. So let me find it. I</p> <p>2 suppose we could look at Exhibit No. 1 first.</p> <p>3 A. Um-hum.</p> <p>4 Q. And I'll tell you what, Ms. Moore, we have the --</p> <p>5 we have the file here, and so I'm not going to vouch that</p> <p>6 this is a comprehensive, you know, set of paperwork; at</p> <p>7 least the thing that has been marked as Exhibit 2. But we</p> <p>8 do have the file that has been provided to us by the Erie</p> <p>9 School District, and we can look through it if this doesn't</p> <p>10 appear to be the -- sort of the comprehensive documentation</p> <p>11 that you worked on.</p> <p>12 So, first of all, I take it that -- let's look at</p> <p>13 Exhibit -- this would be Moore Exhibit 1, Document 419, Erie</p> <p>14 Document 419. This is a document dated January 18th, 2002.</p> <p>15 And tell me what this document is.</p> <p>16 A. This is a revision to R [REDACTED] P [REDACTED]</p> <p>17 Individualized Education Program, to include participation</p> <p>18 in the therapeutic support program at Sarah Reed.</p> <p>19 Q. Now, tell me, does that say that on the first page</p> <p>20 of Exhibit 1, or is that something that you derived from</p> <p>21 the -- all of the -- all of the content? In other words,</p> <p>22 you're reading between the lines, right, or --</p> <p>23 A. It's here.</p> <p>24 Q. Okay. So you indicated that this is an IEP</p> <p>25 review -- IEP revision that provides for a therapeutic</p>

<p style="text-align: right;">Page 26</p> <p>1 plan --</p> <p>2 A. Um-hum.</p> <p>3 Q. -- at Sarah Reed.</p> <p>4 A. Yes.</p> <p>5 Q. And which page of that Exhibit 1 are you looking</p> <p>6 at where that says that?</p> <p>7 A. Well, working on solutions to interpersonal</p> <p>8 self-related problems, behaviors. You have annual goals,</p> <p>9 short-term objectives that address the particular plan.</p> <p>10 Q. Wait. You have to go slower so I can follow.</p> <p>11 (Discussion held off the record.)</p> <p>12 Q. So you are looking at 0419.</p> <p>13 A. Right. And this is the additional goal added to</p> <p>14 the child's current IEP at that time; to work on -- identify</p> <p>15 appropriate solutions to interpersonal and self-related</p> <p>16 problem behaviors.</p> <p>17 Q. Okay. So --</p> <p>18 A. That's an annual goal. Short-term objectives are</p> <p>19 there. Develop consistent patterns --</p> <p>20 (Proceedings interrupted by reporter.)</p> <p>21 Q. You have to --</p> <p>22 A. I'm sorry.</p> <p>23 Q. People read faster than they talk, so.</p> <p>24 A. And then you see the objective there, the</p> <p>25 benchmark.</p>	<p style="text-align: right;">Page 28</p> <p>1 that we know we want to have a particular plan, a</p> <p>2 therapeutic plan that will be developed in more detail once</p> <p>3 the child is placed at Sarah Reed.</p> <p>4 Q. Okay. But did you come up with that language,</p> <p>5 "Develop consistent patterns of appropriate behavior through</p> <p>6 a program of therapeutic behavior support," or did</p> <p>7 Miss Gray?</p> <p>8 A. I think departmentally, we tried to look at</p> <p>9 different types of wording that will allow us to work</p> <p>10 specifically with students.</p> <p>11 Q. Okay. But I'm talking about this -- this actual</p> <p>12 language on this actual piece of paper under Objective</p> <p>13 Benchmark. Do you know who created that?</p> <p>14 A. I would have advised them of this. When they</p> <p>15 met -- as you can see, my signature is not on this page. So</p> <p>16 we talk about the fact that I was working on paperwork,</p> <p>17 these are some of the things that I advised them on when</p> <p>18 they had to come down and sit with the parent to do the</p> <p>19 revision to the IEP to make the placement for the student.</p> <p>20 So I would have advised them on suggested annual</p> <p>21 goals, objectives, and so on in order to do this placement.</p> <p>22 Q. Now, what was the -- if you know, what was the</p> <p>23 appropriate behavior -- quote, appropriate behavior, end</p> <p>24 quote -- that was referred to in the objective benchmark?</p> <p>25 What behavior was considered appropriate that you wanted to</p>
<p style="text-align: right;">Page 27</p> <p>1 Q. So develop consistent patterns of appropriate</p> <p>2 behavior through a program of therapeutic behavior report</p> <p>3 [sic].</p> <p>4 A. Support.</p> <p>5 Q. Support. I'm sorry.</p> <p>6 A. All right. And then expected levels and so on.</p> <p>7 And then the specially designed instruction that goes along</p> <p>8 with being in a program; consistent participation and social</p> <p>9 skills training and counseling program, as well as a</p> <p>10 medication management. An individualized intervention plan</p> <p>11 will be developed in conjunction with IEP goals and</p> <p>12 objectives. And transition activities for the return to the</p> <p>13 home school are planned or carried out with the</p> <p>14 multi-disciplinary team approach. And then --</p> <p>15 Q. Before we go on to the next page, there is a</p> <p>16 couple questions I would have so you could explain that to</p> <p>17 me.</p> <p>18 The objective is to develop consistent patterns of</p> <p>19 appropriate behavior through a program of therapeutic</p> <p>20 behavior support.</p> <p>21 A. Um-hum.</p> <p>22 Q. Now, who came up with that, to your knowledge,</p> <p>23 objective?</p> <p>24 A. That would be a very generalized, I would say,</p> <p>25 objective, in order that we can move into the placement so</p>	<p style="text-align: right;">Page 29</p> <p>1 help Rachel achieve?</p> <p>2 A. In particular, when we said develop appropriate</p> <p>3 patterns of appropriate behavior, those things would be more</p> <p>4 clearly defined once the child was at Sarah Reed. They did</p> <p>5 some observation, and they looked at the critical areas --</p> <p>6 the more critical areas of need.</p> <p>7 Q. How did you know that patterns of appropriate</p> <p>8 behavior had to be developed?</p> <p>9 A. Well, if students are having any difficulty, no</p> <p>10 matter whether it's emotional, socially emotional, or</p> <p>11 whatever -- it could be any type of pattern of inappropriate</p> <p>12 behavior; if it's social behavior, it's emotional behavior.</p> <p>13 There are a lot of different types of behavior to be</p> <p>14 addressed.</p> <p>15 Q. What behavior of R[REDACTED] was -- needed addressed?</p> <p>16 Do you know, as we sit here today, do you know what behavior</p> <p>17 of R[REDACTED] needed to be addressed?</p> <p>18 A. There were -- at this particular time, it was my</p> <p>19 understanding that there were some emotional concerns</p> <p>20 involving the incidents that had taken place at school, to</p> <p>21 provide some support for the child because of the emotional</p> <p>22 concerns or the experiences that the child may have</p> <p>23 encountered.</p> <p>24 Q. And do you specifically -- do you know what</p> <p>25 emotional concerns there were?</p>

<p style="text-align: right;">Page 30</p> <p>1 A. There was some sexual activity.</p> <p>2 Q. What kind of sexual activity?</p> <p>3 A. I'm not sure of the details of everything, but</p> <p>4 there was sexual activity.</p> <p>5 Q. Tell me what you recall.</p> <p>6 A. Boys and girls outside of the school environment</p> <p>7 having sexual contact with one another. And there was</p> <p>8 concerns about the situation overall. You know, naturally,</p> <p>9 the appropriateness of the situation. And that was</p> <p>10 affecting the female students.</p> <p>11 Q. Okay. Do you know whether the males who were</p> <p>12 involved in the activity outside the school, whether their</p> <p>13 IEP's were changed?</p> <p>14 A. I don't know. These are -- these are the two</p> <p>15 students that I worked with.</p> <p>16 Q. Now, the specially designed instruction, let me</p> <p>17 just look at that for a second. It says, "Consistent</p> <p>18 participation in social skills training and in counseling</p> <p>19 program, as well as medication management."</p> <p>20 A. Um-hum.</p> <p>21 Q. Could that instruction, could that have been</p> <p>22 provided in the Erie schools?</p> <p>23 A. The intensity of counseling services or -- we have</p> <p>24 counseling services. I mean, we have what you call behavior</p> <p>25 specialists in the building. And that they may work with</p>	<p style="text-align: right;">Page 32</p> <p>1 actually -- could be said, this is an IEP plan; the top</p> <p>2 page --</p> <p>3 A. It's a part of the plan.</p> <p>4 Q. A part of the plan, okay. And then it says, "An</p> <p>5 individualized --" going back to the first page, it says,</p> <p>6 "An individualized intervention plan will be developed in</p> <p>7 conjunction with IEP goals and objectives."</p> <p>8 A. Um-hum.</p> <p>9 Q. Now, you're not -- you're not creating that with</p> <p>10 this IEP. What you're saying is we're changing the</p> <p>11 placement, and they are going to create that individualized</p> <p>12 intervention plan; is that right?</p> <p>13 A. Yes. They have individual plans for students.</p> <p>14 Once they arrive, they develop a treatment plan.</p> <p>15 Q. Now, do they send that back to you so that it</p> <p>16 becomes part of the Erie School District's permanent record?</p> <p>17 A. What we do have is the finalized -- the discharge</p> <p>18 and summary information about the goals that they worked on.</p> <p>19 Q. So you get that at the end?</p> <p>20 A. Yes, we do.</p> <p>21 Q. Okay. Now, then the second page of Exhibit --</p> <p>22 second and third page of Exhibit 2, is that your handwriting</p> <p>23 on this page?</p> <p>24 A. No, it is not.</p> <p>25 Q. Okay. Do you know who wrote that?</p>
<p style="text-align: right;">Page 31</p> <p>1 students and counsel them, whatever. We have student</p> <p>2 support teams, or student SAP teams; Student Assistant</p> <p>3 Programs. But the intensity of services in counseling and</p> <p>4 so on is greater at Sarah Reed than it would be directly in</p> <p>5 the school building.</p> <p>6 Q. Okay. Then the next -- but this doesn't -- this</p> <p>7 particular page of the document doesn't say you're referring</p> <p>8 the -- the student to Sarah Reed. Now, answer that question</p> <p>9 first. Page 1 doesn't say that; is that right?</p> <p>10 A. No, it doesn't say that.</p> <p>11 Q. Okay. But Page 2, I guess where it says Notice of</p> <p>12 Recommended Educational Placement, that does refer to Sarah</p> <p>13 Reed.</p> <p>14 A. Yes, it does.</p> <p>15 Q. So when I look at this document, I can't just look</p> <p>16 at the first page. I have to look at the entire document.</p> <p>17 A. That's correct.</p> <p>18 Q. Actually, it says -- it does say, "Change from</p> <p>19 Strong Vincent to Sarah Reed," on this document at the top.</p> <p>20 A. Um-hum.</p> <p>21 Q. The top page of Exhibit 1, does that now become</p> <p>22 part of R. [REDACTED] IEP?</p> <p>23 A. Yes. That goes with the other part of her IEP;</p> <p>24 with her academic goals and objectives.</p> <p>25 Q. So this is actually -- this document is</p>	<p style="text-align: right;">Page 33</p> <p>1 A. Specifically, someone who was there -- who has</p> <p>2 their signatures there. Either Mrs. Gray, teacher of</p> <p>3 record -- or special education teacher, or someone who's</p> <p>4 participated on that -- on the IEP team.</p> <p>5 Q. The way this has been provided to us, it's been</p> <p>6 provided as 420, and then the next page is numbered 421.</p> <p>7 And I don't see anyone who has signed that document from the</p> <p>8 School District. I see your name on there, C. Moore, on the</p> <p>9 second page. But you're indicating that you didn't write</p> <p>10 the first page.</p> <p>11 A. Hum-um.</p> <p>12 Q. Is that your signature on the second page?</p> <p>13 A. No. Someone printed my name there, because I'm</p> <p>14 the supervisor of the program. That's who you refer to if</p> <p>15 you have any questions.</p> <p>16 Q. Is there someplace on this form, the Notice of</p> <p>17 Recommended Educational Placement, where an Erie School</p> <p>18 District representative is supposed to sign?</p> <p>19 A. No. It is not required by law for a</p> <p>20 representative, other than to affix the superintendent's</p> <p>21 signature.</p> <p>22 Q. Okay.</p> <p>23 A. Other than that, no one else's signature is there</p> <p>24 but the parent, because it shows that the parent approves of</p> <p>25 the placement by the parent signature. This is issued to</p>

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1 A. I made up the form myself, in order to manage what
2 was going on with students when people make requests for
3 assistance with students. So I put that in, and I use it
4 basically for when we were working with students, we needed
5 to provide any services in school for students while we were
6 working on different things. That's why I call it a
7 discipline note. Because usually it's used when there is a
8 discipline problem.

9 This -- I just used this note to correspond the
10 request that the school administrator, Mrs. Cappabianca, and
11 with the agreement of the parent, remove the student from
12 the building for a time period. Okay? To provide some
13 services in the home. That's why it says at the bottom,
14 "Five days in-home IEP to begin Monday, January 14,
15 through -- ending Tuesday, January 22nd." I always provide
16 the address, the parents' phone number, and the parents'
17 name, so that the individuals providing the in-house support
18 will know who to contact, how long they are supposed to
19 provide services, and set the schedule up with the parent.

20 So once I fax that out -- that's just for me to
21 let me know I did it, you know, and what the reason was.
22 And here, the incident, I didn't put the incident. I just
23 put change in location of service because of the severe
24 confidential nature of the situation.

25 Q. Okay. And then would you have -- who would have

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1 A. Oh, no. This form is State-mandated.

2 Q. Not the form. I mean, did you -- is this your
3 printing on this form?

4 A. No. This appears -- it appears to be Mr. Rogers'
5 printing. It appears to me to be that.

6 Q. Okay. Then the third page of this exhibit,
7 Exhibit 2, is Bates-stamped 739.

8 A. Um-hum.

9 Q. And this is the IEP revision review; is that
10 right?

11 A. That's correct.

12 Q. And is it fair to say that the IEP revision
13 review, the language on this is -- on this one is precisely
14 the same language as appeared on the IEP revision review for
15 R [REDACTED]

16 A. That is correct.

17 Q. Okay. I mean, they are both -- the new education
18 plan for K [REDACTED] was, "Develop consistent patterns --"
19 excuse me. The objective was, "Develop consistent patterns
20 of appropriate behavior through a program of therapeutic
21 support."

22 A. Um-hum.

23 Q. And that's exactly the same language that appears
24 on R [REDACTED] IEP.

25 A. That is correct.

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1 received this? You had distributed this to who?

2 A. The support person, Mr. Rogers at the time. Paul
3 Rogers.

4 Q. So we hadn't talked about Exhibit 2 yet. We sort
5 of got to 3 and 4 before we got -- and Exhibit 2 is a --
6 this is a -- I see. This -- this one pertains to K [REDACTED]
7 L [REDACTED]

8 A. Um-hum.

9 Q. And, actually, the top page of Exhibit 2 is Notice
10 of Recommended Functional -- does that say functional
11 placement?

12 A. No. That was -- it says Notice of Recommended
13 Evaluation. That was a print shop error.

14 Q. Okay.

15 A. And we decided we would keep the error, instead of
16 throwing all the papers away, and fix it with handwriting.

17 Q. Okay. That's fine. What did you write in there
18 on top? Is that functional or educational?

19 A. It should be educational.

20 Q. Educational, okay. Now, this one is a -- the
21 action proposed is temporary in-home IEP, five days, ending
22 January 22nd.

23 A. Um-hum.

24 Q. Again, your name is affixed here; is printed on
25 this form. Did you create this form?

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1 Q. Okay. And on this one, I guess the fifth page of
2 this exhibit, this handwritten page here -- it would be
3 Bates-stamped 744 down at the bottom. This is Exhibit 2.

4 A. 744?

5 Q. It's the fifth page of the exhibit, I think.

6 A. Um-hum.

7 Q. The handwritten thing.

8 A. Um-hum.

9 Q. This was apparently a document signed by Denise
10 L [REDACTED] saying she wants her daughter transferred to the Erie
11 School District's alternative education program.

12 A. Um-hum.

13 Q. And that means --

14 A. The Sarah Reed program.

15 Q. Sarah Reed program. That appeared just to be a
16 duplicate.

17 A. Um-hum.

18 Q. Then 819 is the Notice of Recommended Educational
19 Placement. And, again, is that your printing on this
20 document?

21 A. No, it is not.

22 Q. And this says why the action is proposed or
23 refused. It reads, "Student's current high degree and
24 intensity of stress as recorded by parents, student, and the
25 Erie School District staff. Intensity and frequency of

11 (Pages 38 to 41)

<p style="text-align: right;">Page 42</p> <p>1 therapeutic intervention exceed that which can be delivered</p> <p>2 in the regular school setting."</p> <p>3 And then the evaluation procedure, test records,</p> <p>4 report, a verbal sharing of discharge summary from Millcreek</p> <p>5 Community, and information provided by the student, parent,</p> <p>6 ESD staff, including mental health staff. Which mental</p> <p>7 health staff provided information for this Notice of</p> <p>8 Recommended Educational Placement?</p> <p>9 A. I'm not quite sure. It could be mental health</p> <p>10 staff either from -- they have Millcreek information, and</p> <p>11 there's also -- I mentioned before mental health staff in</p> <p>12 the building.</p> <p>13 Q. And do you remember which mental health staff was</p> <p>14 assigned to the Strong Vincent School?</p> <p>15 A. I'm trying to remember. I can't remember the</p> <p>16 name. I'm sorry.</p> <p>17 Q. Now, you didn't print the reasons for change. Do</p> <p>18 you remember, did you -- where it's printed, your name is</p> <p>19 printed, C. Moore --</p> <p>20 A. Yes.</p> <p>21 Q. -- did you put your initials there -- I mean,</p> <p>22 your --</p> <p>23 A. No. Someone printed my name here as the</p> <p>24 supervisor.</p> <p>25 Q. Did you supervise the preparation of this</p>	<p style="text-align: right;">Page 44</p> <p>1 placement. You can offer that to them.</p> <p>2 Q. So it would be your testimony that it wasn't</p> <p>3 necessarily the teacher or the assistant principal or even</p> <p>4 you that came up with the idea of Sarah Reed originally. It</p> <p>5 would be your boss, the director.</p> <p>6 A. I was directed by Mr. Scozzie to start the --</p> <p>7 Q. Process.</p> <p>8 A. -- process --</p> <p>9 Q. -- to get them in.</p> <p>10 A. -- to get them in. Now, the decision, I don't</p> <p>11 know. I'm just following my directive from my supervisor.</p> <p>12 Q. All right. And you don't know what information</p> <p>13 Mr. Scozzie had; who talked to him?</p> <p>14 A. No, I do not.</p> <p>15 Q. Okay. We have marked as Exhibit 5, it looks like</p> <p>16 some notes that you made.</p> <p>17 A. It's from my personal note pad. That's probably</p> <p>18 the notes I took when I was in the office with Mr. Scozzie</p> <p>19 when he gave me directive. I was trying to figure out what</p> <p>20 I needed to do or got information from someone. But this is</p> <p>21 just from my own personal note pad where I make notes of</p> <p>22 things I need to do.</p> <p>23 Q. Okay. And at the top, it says, it looks like "See</p> <p>24 Marlene."?</p> <p>25 A. Um-hum.</p>
<p style="text-align: right;">Page 43</p> <p>1 document? For instance, did you tell whoever made it what</p> <p>2 to say?</p> <p>3 A. I don't recall whether someone consulted with me</p> <p>4 or not. Maybe, maybe not. I'm not sure.</p> <p>5 Q. Okay. Well, you must have given -- whoever -- do</p> <p>6 you know who prepared it -- the specific person who prepared</p> <p>7 this?</p> <p>8 A. I don't know the -- I can't tell whose handwriting</p> <p>9 this is specifically.</p> <p>10 Q. You must have given someone the authority to print</p> <p>11 your name on it, though; is that right?</p> <p>12 A. Well, it is because of the procedural safeguards,</p> <p>13 and I'm the program supervisor. It's always indicative to</p> <p>14 put the program supervisor's name if anyone has any</p> <p>15 questions or concerns.</p> <p>16 Q. Okay. So your name goes on there as standard</p> <p>17 procedure.</p> <p>18 A. Yes.</p> <p>19 Q. And if I asked you this question, I apologize. Do</p> <p>20 you -- the decision to place these girls at Sarah Reed, how</p> <p>21 did that -- who made that decision?</p> <p>22 A. The recommendation to be placed at Sarah Reed, I</p> <p>23 do believe came from the Director of Special Education, to</p> <p>24 take a look at the situation and, you know, that's an option</p> <p>25 you can provide a parent. You know, to have that particular</p>	<p style="text-align: right;">Page 45</p> <p>1 Q. Who is Marlene?</p> <p>2 A. She's Mrs. Chrisman.</p> <p>3 Q. Mrs. Chrisman?</p> <p>4 A. The other special education supervisor.</p> <p>5 Q. Okay. And it says, "See Marlene for SR partial</p> <p>6 placement."</p> <p>7 A. Sarah Reed partial placement.</p> <p>8 Q. Partial placement.</p> <p>9 A. Um-hum.</p> <p>10 Q. What is a partial placement?</p> <p>11 A. It's a different program. It's students who are</p> <p>12 identified with mental health issues. Sarah Reed has a</p> <p>13 multitude of programs, and this was just one of them. And I</p> <p>14 probably -- I probably wrote that just to get more detail,</p> <p>15 because at the time she was the supervisor of the partial --</p> <p>16 district supervisor of the partial program.</p> <p>17 Q. Do you know what program eventually R[REDACTED] and</p> <p>18 K[REDACTED] were placed into?</p> <p>19 A. From my review, it was the -- I don't want to call</p> <p>20 it the behavior support. It's called the therapeutic</p> <p>21 program.</p> <p>22 Q. We have marked as Exhibit 6 a document I guess</p> <p>23 that we have already talked about that was part of Exhibit</p> <p>24 2. Exhibits 7 and 8 are documents from Jo Barker, director,</p> <p>25 elementary/middle school programs. Who is Jo Barker? Oh,</p>